Chapter 3.0

ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 3.1

EFFECTS FOUND NOT SIGNIFICANT AS PART OF THE EIR PROCESS

CHAPTER 3.0 – ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 3.1 discusses environmental issues that have been determined to be less than significant during the EIR process, based on the level of potential impacts and/or the inclusion of associated project design elements. Specifically, Section 3.1 addresses issues related to geology/soils, hazardous/hazardous materials, hydrology/water quality, and noise. Section 3.2 discusses environmental issues found to be less than significant during preparation of the Initial Study, circulated with the Notice of Preparation (NOP) of the EIR (see Appendix A for full text of the NOP and the Initial Study). This section contains discussions related to agriculture, land use and planning, mineral resources, population and housing, public services, and recreation.

3.1 Effects Found Not Significant as part of the EIR Process

3.1.1 Geology/Soils

Geology/soils issues are addressed in Section 4.5 of the EOMSP Final EIR. That analysis identified a number of potentially significant and mitigable impacts related to seismic and non-seismic hazards. The *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation* concluded that there are no changes in the project, changes in the circumstances under which the project is undertaken, or new information of substantial importance for the issue of geology/soils. Accordingly, this analysis is focused on potential impacts identified in the EOMSP Final EIR, with associated mitigation requirements from that EIR (specifically, Mitigation Measure 5A) including the following:

- Preparation of a site-specific geotechnical investigation for all individual projects within the EOMSP area, and inclusion of associated applicable findings and recommendations.
- Conformance with appropriate regulatory guidelines and standard engineering practices, including the Uniform Building Code (UBC) and local building codes.
- Use of remedial grading and standard engineering/design techniques to address potential issues related to liquefaction and soil-related hazards such as expansion and compression.
- Evaluation of static and pseudo-static slope stability analyses for proposed cut and fill slopes.
- Use of standard engineering techniques to reduce soils related hazards.

Pursuant to the above-listed requirements, a site-specific geotechnical investigation was conducted for the proposed project by Krazan & Associates, Inc. (Krazan & Associates 2006) and is contained in Appendix G. A review of available information, a field investigation, borings, and soil samplings were completed on the proposed site and the results are summarized below.

3.1.1.1 *Existing Conditions*

Site Conditions

Presently, the site is vacant and covered with non-native grasslands. The subject site gradually descends to the south and south-west with an estimated topographic relief of approximately 20 feet over a horizontal distance of 1,200 feet.

Geologic Setting

Geologic Formations

The subject site is located in the San Diego Bay region within the Peninsular Range Geomorphic Province, which is characterized by northwest trending mountain ranges separated by sub-parallel fault zones. The mountain ranges are underlain by basement rocks consisting of Jurassic metavolcanic and meta-sedimentary rocks and Cretaceous igneous rocks of the Southern California batholith. Surface and near-surface deposits of the Peninsular Range Province are composed of late Cretaceous, Tertiary, and Quaternary sediments that flank the mountain ranges to the northeast and southwest.

The local area is underlain by the Otay Formation. This geologic formation is composed of poorly indurated, massive, light-colored sandstone, siltstone and claystone, interbedded with bentonite lenses.

Soils

On-site soils consist of loose/disturbed soils underlain by native alluvium and Otay Formation of siltstone/sandstone bedrock. Below the loose/disturbed surface soils, soil is composed of stiff to very hard silty clay, clayey silt, sandy silt, siltstone, medium dense to very dense silty sand and sandstone.

Groundwater

Groundwater was encountered at a depth of 49 feet during the time of the investigation, but is expected to fluctuate depending on the rainfall, irrigation, and climate.

Seismicity

All of San Diego County, including the site, is located within Seismic Zone 4 (the highest seismic zone), and, like most of Southern California, is subject to seismic ground shaking. There are, however, no mapped faults onsite. The project is located 23.3 kilometers from the Rose Canyon fault and 68.1 kilometers from the Elsinore-Julian fault.

3.1.1.2 *Analysis of Project Effects and Determination as to Significance*

Fault Rupture

Guidelines for the Determination of Significance

The following guidelines used to determine significance are based on the County of San Diego Guidelines for Determining Significance - Geologic Hazards (July 30, 2007).

The proposed project would result in significant direct impacts related to fault rupture if it would:

1. Propose any building or structure to be used for human occupancy over or within 50 feet of the trace of an Alquist-Priolo fault or County Special Study Zone fault.
2. Propose the following uses within an Alquist-Priolo Zone which are prohibited by the County:
    - Uses containing structures with a capacity of 300 people or more. Any use having the capacity to serve, house, entertain, or otherwise accommodate 300 or more persons at any one time.
    - Uses with the potential to severely damage the environment or cause major loss of life. Any use having the potential to severely damage the environment or cause major loss of life if destroyed, such as dams, reservoirs, petroleum storage facilities, and electrical powerplants powered by nuclear reactors.
    - Police and fire stations, schools, hospitals, rest homes, nursing homes, and emergency communication facilities.

Analysis

Fault Rupture (Guidelines 1 and 2)

Although the number of people within the proposed shopping center could exceed 300, no faults exist onsite or within 50 feet of the site, and the site is not located within an AP Zone. Development within the project site is not expected to be subject to significant hazards related to seismic ground rupture and/or related effects such as lurching (i.e., the rolling motion of surface materials associated with passing seismic waves), because no known active or potentially active faults are located within or adjacent to the site. **Based on the noted conditions, less than significant impacts related to seismic ground rupture would occur from implementation of the proposed project.**

Ground Shaking

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Geologic Hazards (July 30, 2007).

The proposed project would result in significant direct impacts related to ground shaking if it would:

1. Be located within a County Near-Source Shaking Zone or within Seismic Zone 4 and the project does not conform to the Uniform Building Code (UBC).

It is noted that the International Building Code (IBC) has replaced the Uniform Building Code.

Analysis

Ground Shaking (Guideline 1)

No faults exist onsite or within 50 feet of the site. However the entire County, including the project site, is located within Seismic Zone 4 (which represents the highest seismic potential of the four seismic zones). The proposed project would comply with the IBC and California Building Code (CBC), which identifies structural engineering measures that lower risks associated with ground shaking hazards. Design measures typically included are earth fills to partially absorb underlying ground movements, isolating foundations from the underlying ground movements, and designing strong ductile foundations (County of San Diego Guidelines for Determining Significance- Geologic Hazards). **Incorporation of IBC and CBC standard measures (as required by the EOMSP Final EIR [County 2004]), would effectively avoid or reduce seismic acceleration hazards to a less than significant level.**

Liquefaction

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Geologic Hazards (July 30, 2007).

The proposed project would result in significant direct impacts related to liquefaction if it would:

1. Have potential to expose people or structures to substantial adverse effects because:
    - The project site has potentially liquefiable soils; and
    - The potentially liquefiable soils are saturated or have the potential to become saturated; and
    - In-situ soil densities are not sufficiently high to preclude liquefaction.

Analysis

Liquefaction (Guideline 1)

The soils beneath the site consist of hard cohesive soil and bedrock formation. Groundwater was encountered at a depth of 49 feet below the ground surface in a boring on site. The potential for liquefaction is considered to be very low based on the presence of cohesive soils and very hard

bedrock formation combined with the absence of shallow groundwater conditions. **Therefore, less than significant impacts from liquefaction would occur**.

Landslides

Guidelines for the Determination of Significance

The following guidelines used to determine significance are based on the County of San Diego Guidelines for Determining Significance - Geologic Hazards (July 30, 2007).

The proposed project would result in significant direct impacts related to landslide if the project would:

1. Expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving landslides.
2. Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, potentially resulting in an on- or off-site landslide.
3. Lie directly below or on a known area subject to rockfall which could result in collapse of structures.

Analysis

Landslides (Guideline 1)

The proposed site is not located on or near a significant hillside. The existing sloping onsite is gradual and the proposed grading would further flatten the grade. All proposed grading activities and retaining walls would comply with County standards and, therefore, would not pose a risk of landslide. No significant rock outcrops exist onsite or in the immediate vicinity. **Overall, no significant risk of landslide exists and, therefore, a less than significant landslide impact is anticipated**.

Expansive Soils

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Geologic Hazards (July 30, 2007).

The proposed project would result in significant direct impacts related to expansive soil if the project would:

1. Be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), and does not conform with the UBC.

It is noted that the UBC has been replaced with the IBC.

Analysis

Expansive Soil (Guideline 1)

Subsurface soils on the site appear to have a high swell potential (expansive soil). The estimated swell pressure of the clayey material may cause excessive movement of concrete slabs and flatworks. Routine engineering design measures to minimize impacts from expansive soils are presented within Appendix G, and include replacement of expansive soils with "non-expansive" fill soils and/or use of a lime treatment to stabilize expansive soils. **With adherence to the recommendations set forth by Appendix G (and the EOMSP Final EIR [County 2004]), and required conformance to the County Grading Ordinance and the CBC, impacts related to expansive soils would be less than significant.**.

3.1.1.3 *Cumulative Impact Analysis*

With the exception of erosion/sedimentation (as discussed in Section 3.1.3 Hydrology/Water Quality), potential geology and soils effects are inherently restricted to the immediate area proposed for development and would not contribute to cumulative impacts associated with other existing, planned or proposed development. Issues related to fault rupture, seismic ground shaking and liquefaction, as well as landslides and expansive soils, are specific to on-site conditions. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no connection to similar potential issues or cumulative effects to or from other projects. **As such, the project would not contribute to cumulative impacts related to geology/soils.**

3.1.1.4 *Significance of Impacts Prior to Mitigation*

Implementation of the recommendations contained in Appendix G and mandated by the County and the CBC would avoid significant impacts related to geology/soils.

3.1.1.5 *Mitigation*

In the absence of significant impacts with respect to geology/soils, no mitigation measures are required.

3.1.1.6 *Conclusion*

As discussed in Section 3.1.1.2, the proposed project would result in less than significant impacts with respect to fault rupture, ground shaking, liquefaction, landslides and expansive soils. The project would adhere to the IBC and CBC as well as all recommendations in Appendix G and impacts would be less than significant related to geology/soils. As discussed in Section 3.1.1.3, no geology/soil conditions exist that would contribute to cumulative impacts. As such, no significant cumulative impact related to geology/soils would occur.

3.1.2 Hazards/Hazardous Materials

Section 4.10 of the EOMSP Final EIR identifies a significant health and safety impact related to the potential hazardous materials exposure related to the industrial district and the transport of hazardous materials. Mitigation was identified that requires industrial developments near residences to complete a Hazardous Materials and Management Plan, and that all transport of hazardous substances be in compliance with the California Code of Regulations and the Code of Federal Regulations. The proposed project does not include industrial development, but may involve the use and transport of hazardous substances. Per the EOMSP Final EIR hazardous materials mitigation measure, the project must comply with the state and federal regulations regarding the use and transport of hazardous materials.

3.1.2.1 *Existing Conditions*

A Phase I Environmental Site Assessment (Phase I ESA) was completed by Krazen & Associates for a large area that encompasses the project site and approximately 125 additional acres to the north and northwest (Appendix H). A Conceptual Fire Protection Plan was also prepared for the proposed project by Hunt Research Corporation (Appendix I). This plan was approved by the San Diego Rural Fire Protection District (SDRFP District).

Regulatory Framework

The handling, storage and remediation of hazardous materials are regulated on the federal level by the United States Environmental Protection Agency (USEPA). The principal legislative/regulatory vehicles for this process include the Resource Conservation and Recovery Act of 1976 (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). RCRA established a comprehensive regulatory system for investigating and addressing past, present and potential future contamination at hazardous waste treatment, storage and disposal sites. This process includes a system for "cradle to grave" regulation of hazardous wastes, wherein such materials are required to be tracked from the generating facility to the final disposal site (including transport).

CERCLA provides a system to investigate and remediate "uncontrolled or abandoned hazardous waste sites and to address future releases of hazardous substances into the environment." This legislation was amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA). Under Title III of SARA, a nationwide emergency planning and response program established reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances, as defined under federal laws. Title III of SARA also required each state to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous or acutely toxic substances are stored or handled at a facility.

Regulatory criteria related to the classification of a waste as "California hazardous" for handling and disposal purposes are provided in the California Code of Regulations (CCRs) Title 22, Division 4.5, Chapter 11, Article 3, Section §66261.24. Waste that is classified as hazardous in

California requires management as a hazardous waste and disposal at an approved facility, pursuant to Code specifications.

California Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, identifies and provides regulatory and enforcement standards for "chemicals known to the state to cause cancer or reproductive toxicity." Proposition 65 generally prohibits any discharge or release of such chemicals that could affect drinking water sources, and precludes any person in the course of doing business from knowingly and intentionally exposing any individual to such chemicals without first giving clear and reasonable warning.

The San Diego Regional Water Quality Control Board (RWQCB) is responsible for implementing Waste Discharge Requirements (WDRs), including requirements related to the on-site reuse (e.g., as fill) of former agricultural soil containing residual pesticides. Such reuse of agricultural soil typically requires the submittal of a Report of Waste Discharge (ROWD) to the RWQCB, with the agency then either issuing a permit, a permit waiver, or a denial of the ROWD (e.g., if the subject soil exhibits pesticide concentrations exceeding California hazardous threshold limits).

Rule 361.145 of the San Diego County Air Pollution Control District (APCD) provides guidance for the handling and disposal of materials containing asbestos, including specific requirements for notification and emissions control.

The San Diego County Department of Environmental Health (DEH) Voluntary Assistance Program (VAP) provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances. Specifically, the DEH will evaluate proposed soil reuse or disposal actions that are conducted for the protection of human health, and will issue a concurrence letter if the associated technical information, findings, and recommendations demonstrate that human health, water resources and the environment are adequately protected. The DEH also maintains listings of hazardous materials and well sites within the County, as described below in the discussion of the Project Phase I ESA.

On-site Hazardous Materials Conditions

The site is characterized by grass-covered land. Non-structural improvements on the site include an asphalt-paved parking area in the southwest quadrant of the site where a produce stand was formerly located, and an associated wooden fence. Office furniture and miscellaneous household debris also were observed in the portion of the site formerly occupied by the aforementioned produce stand.

Based on the survey conducted by Krazen & Associates (Appendix H), the project site does not have a high potential to contain significant quantities of hazardous materials. Based on a review of historic aerial photographs, the property was used for row crop agriculture from the early 1950s through the early 1990s. While past agricultural activities may have involved the use of pesticides and herbicides, Krazen & Associates concludes that, given the "length of time since the subject site and adjacent properties may have last been used for agricultural purposes, it is

not anticipated that elevated concentrations of environmentally persistent pesticides would be found in the near-surface soils of the subject site."

Off-site Hazardous Materials Conditions

Observed off-site uses included single-family residences and an associated truck farm, a commercial vehicle maintenance facility, undeveloped and/or abandoned agricultural areas to the east and west, SR-125 to the immediate west, Harvest Road to the immediate east, and Otay Mesa Road to the south. Stained soil and an aboveground storage tank (AST) were observed within a vehicle maintenance facility area offsite, north of the project site approximately 0.5 mile.

The search of applicable federal, state and local hazardous material databases, identified a total of five listings in the area around the project site. No sites with reported releases of hazardous materials to the subsurface were reported within the one-mile radius that was searched. Generally, only potentially hazardous materials released from facilities located roughly up-gradient and within a few hundred feet of the site, or in a cross-gradient direction close to the site, are judged to have a reasonable potential of migrating to the site. As none of the identified hazardous material sites around the property meet these criteria, off-site hazardous materials do not pose a significant risk to future use of the subject property.

Wildland Fire

Due to the amount of open space to the north and east of the project site, the property is subject to a threat from wildfires. As the dominant vegetation in the area is non-native grassland, the threat from wildfires is considered moderate.

The proposed project site was annexed into the SDRFP District in February 2009, as a part of a larger annexation. Primary fire protection for the unincorporated portion of Otay Mesa is provided by the SDRFP District which protects an area of approximately 690 square miles, and provides emergency medical services, structural fire protection and rescue services. In addition, the District has entered into an Automatic Aid Agreement with the City of San Diego, which would provide additional fire protection services to development within the District. The SDRFP District also responds to wildland fires, though wildland protection within this area is predominantly the responsibility of the California Department of Forestry and Fire Protection (CDF), also known as CAL FIRE.

Emergency response for the proposed project would be provided from the SDRFP District's new interim (temporary) station, Station 68, located northwest of the project site at the George F. Bailey Detention Facility at the north end of Alta Road (415 Alta Road). Station 68 operates 24 hours per day, seven days per week, year-round, and is staffed with seven fire personnel. The Station has one structural engine (Type I) and one brush engine (Type III). The first alarm response to the proposed project would be by two engine companies and a Chief Officer. A vegetation fire would receive the same initial response. Station 68 is located approximately two miles from the site and the estimated travel time to the project site would be approximately five minutes.

Additional fire response to the project site may be provided by the Engine Company at R.J. Donavan Correctional Facility (SDRFP District Station 65), located at 480 Alta Road. Other fire agencies that may provide emergency response via Automatic Aid agreements (if their units are available for response) include: (1) the City of San Diego Fire Department, and (2) Station 43 at nearby Brown Field (and from their ladder truck six miles away). Numerous other resources would be available, should they be needed, upon request through the County Mutual Aid system and from CAL FIRE statewide.

A permanent future station is planned to be completed at the northwest corner of Alta Road and Otay Mesa Road. This station is expected to be a joint fire/police facility (in cooperation with the County Sheriff's Department) to replace the temporary fire station described above. The site has been secured and is identified in the EOMSP. Since this station would replace the temporary Station 68, it would likely have the same features as Station 68. The travel time to the site is expected to be quicker from the permanent station compared to the interim station since the permanent station would be located approximately 1.5 miles from the proposed site.

Airport Safety

The project site is located approximately one mile east of the 8,000-foot-long runway of Brown Field Municipal Airport (Brown Field). The site is within an overflight area where 90 percent of the runway air traffic flies over the site on approach from the east. Brown Field is owned and operated by the City of San Diego. It serves as a general aviation airport accommodating both propeller- and jet-powered aircraft, and serves as a port of entry for private aircraft entering the U.S. from Mexico.

Regulatory Framework

CEQA

CEQA Section 21096(a) identifies the California Airport Land Use Planning Handbook ("Handbook") prepared by the California Department of Transportation (Caltrans) as a resource that shall be utilized to assist with the preparation of EIRs as they relate to airport-related safety hazards.

Caltrans Handbook

As stated above, the EIR must utilize the Handbook as a technical resource for evaluating airport safety, pursuant to CEQA Section 21096(a). The Handbook was developed to assist in the preparation of airport land use plans; it provides the research and planning framework for airport compatibility plans but lacks the specificity to be applied to individual development projects such as the proposed project. The Brown Field ALUCP was developed in accordance with the Handbook and includes the detailed analysis necessary to establish safety zones (SZ) which are appropriate for Brown Field by taking into consideration variables identified in the Handbook including accident risk and topography. Thus, the analysis of potential safety impacts in the following discussion uses the safety zones set forth in the 2010 ALUCP because they were

calculated based on the definitions in the Handbook. As illustrated in Figure 3.1-2 and Table 3.1-1, SZs 2, 4 and 6, established in the 2010 ALUCP, apply to portions of the project site. For each safety zone, the Handbook lists prohibited uses which should not be allowed under any circumstances, as well as limited uses which are only acceptable if density/intensity restrictions are met (Caltrans Handbook, p. 9-44 to 9-45).

Shopping centers uses fall into the category of nonresidential uses. In SZ 2, nonresidential uses are limited to activities which attract few people. In SZ 4, nonresidential uses having moderate or higher usage intensity are to be avoided, while in SZ 6 most nonresidential uses are allowed. Uses in each safety zone must meet the corresponding intensity restriction for that zone.

According to the Handbook, SZ 6 places no limits on the maximum acceptable intensity for nonresidential uses in urban settings, such as the proposed property. SZ 4 allows a maximum average intensity of 80-100 people per acre assuming no risk-reduction measures are incorporated in the building design, or 160-200 with risk-reduction. In addition, the maximum number of people per single acre in SZ 4 is 240-300, or 480-600 with risk reduction. For SZ 2, the maximum average intensity is 40-60 people per acre without risk reduction, or 60-90 with risk reduction. In addition, the maximum number of people per single acre in SZ 2 is 80-120, or 120-180 with risk reduction (Caltrans Handbook, p. 9-47).

Airport Land Use Compatibility Plan

Operations at Brown Field are also subject to an Airport Land Use Compatibility Plan (ALUCP) which is within the jurisdiction of the San Diego County Regional Airport Authority (Airport Authority). The Brown Field ALUCP, last updated in 2010, applies to land uses that occur within a designated Airport Influence Area (AIA). According to the ALUCP, the project site falls within the AIA for Brown Field. The Brown Field AIA extends to approximately one mile west of I-5, on the west, and to within 800 feet of Alta Road, on the east. The AIA is generally the area in which current and future airport-related noise, over-flight, safety and/or airspace protection factors may affect land uses or necessitate restrictions on uses. Various land use controls are proposed by the ALUCP in an effort to protect the function of the airport as well as to reasonably limit the safety risk for people on the ground that may use or inhabit future developments in the surrounding area. Among other things, the ALUCP addresses land use compatibility by defining: the AIA, noise contours from aircraft operations and the associated land use compatibility matrix, safety zones, height restrictions for surrounding uses, and obstruction determinations.

The previous version of the ALUCP, which dates from 2004, addressed most of the same items as the 2010 plan, except that it identified Flight Activity Zones (FAZs) instead of the more extensive safety zones in the 2010 plan. Under the 2004 ALUCP, the Brown Field AIA extended to within approximately one mile of I-805 on the west and to the eastern limits of the project site on the east. The FAZ did not extend onto the project site. The Airport Authority confirmed that the proposed project would not pose a risk to aircraft and/or future project occupants and adopted Resolution No. 2007-0047 ALUC on July 5, 2007, making a Determination of Consistency that the proposed project was consistent with the Adopted (2004) Brown Field Airport Land Use Compatibility Plan.

After the 2007 Determination of Consistency, the Airport Authority approved an amended ALUCP in 2010, which contains compatibility policies for each Safety Zone. Under the terms of the 2010 ALUCP, only certain projects previously found consistent with the 2004 ALUCP must be resubmitted for review under the 2010 ALUCP. Pursuant to Section 2.3.2(d) of the 2010 ALUCP: "A project previously reviewed by the [Airport Land Use Commission] and found to be consistent with the compatibility plan in effect at the time of the project review shall not be subject to further review under a subsequently adopted compatibility plan unless the project changes in a substantial manner at any point - as determined by the local agency or by the ALUC when the ALUC concludes that further review is warranted based on criteria provided in Policy 2.10.4(b) that potentially would invalidate the original ALUC consistency findings."

Policy 2.10.4 (b) states that a proposed project previously found consistent with the 2004 or prior ALUCPs only requires further review by the ALUC if:

> "The design of the project subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. Proposed changes warranting a new review may include, but are not limited to, the following:
>
> (1) An increase in the density of use (number of dwelling units) or, intensity of use (more people on the site);
> (2) Any cumulative increase in the total building area or lot coverage for non-residential uses in excess of 10% of the previous project;
> (3) An increase in the height of structures which has been deemed a hazard by the FAA; and
> (4) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site)."

As illustrated in Table 3.1-2 and Figure 3.1-2, there has been no increase in density or intensity of use since the 2007 consistency determination, and no cumulative increase in the total building area or lot coverage of the project. In addition, there has been no increase in height in any portion of the project, and the site design changes affecting airport safety have been minor. Specifically, the building area within SZ 2 in the 2010 ALUCP has decreased by 30% (from 1.03 acres under the 2007 site plan to 0.72 acres under the current site plan). In addition, the number of buildings within SZ 2 has decreased from two to one (see Figure 3.1-2). Moreover, a portion of the building proposed in SZ 2 on the current plan would be dedicated to a truck dock and warehousing activities which would have a low density of people per square foot.

Compared to the project deemed consistent in 2007, the current proposal locates the building area further away from the Brown Field runway, resulting in more landscaping and parking area of low intensity closer to the runway ends. Also, there is more contiguous open space in SZ 2 in the current proposal, compared to the project deemed consistent by the Airport Authority in 2007.

There is no policy in the 2010 ALUCP which requires submission of a proposed project that has been previously found consistent based on the designation of safety zones, and as discussed above, none of the criteria for additional Airport Authority review under ALUCP Policy 2.10.4(b) apply to the project. Therefore, the 2007 Determination of Consistency with the ALUCP remains in effect.

FAA Hazards

The Federal Aviation Administration (FAA) is charged with ensuring that no aircraft hazards will endanger the public. The site is subject to Federal Air Regulations (Title 14 Code of Federal Regulations) Part 77, *Objects Affecting Navigable Airspace*, which establishes airport vicinity height limitations that are required to protect the public by ensuring that aircraft can safely fly in the airspace surrounding an airport. The FAA uses Part 77 obstruction standards to control elevations above-which structures may constitute a safety problem (e.g., height restrictions). Due to its proximity to Brown Field, the project site is within the FAA Notification Surface, which requires that notice of proposed project information be filed with the FAA.

Emergency Response Plans

The County Office of Emergency Services (OES) coordinates the overall County response to disasters. OES is responsible for alerting and notifying appropriate agencies when disaster strikes; coordinating all agencies that respond; ensuring resources are available and mobilized in times of disaster; developing plans and procedures for response to and recovery from disasters; and developing and providing preparedness materials for the public.

OES staffs the Operational Area Emergency Operations Center (a central facility which provides regional coordinated emergency response), and also acts as staff to the Unified Disaster Council (UDC), a joint powers agreement between all 18 incorporated cities and the County of San Diego. The UDC provides for coordination of plans and programs countywide to ensure protection of life and property.

The project site is subject to the County Operational Area Emergency Plan. The County Operational Area Emergency Plan is a framework document that provides direction to local jurisdictions for developing specific emergency response and evacuation plans within the County. The plan provides guidance for overall emergency planning and requires local jurisdictions to develop emergency plans for applicable issues, areas, and facilities.

3.1.2.2 *Analysis of Project Effects and Determination as to Significance*

Hazardous Materials

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Hazardous Materials and Existing Contamination (July 30, 2007).

The proposed project would result in significant impacts related to hazardous materials if the project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Result in upset or accident conditions involving the release of hazardous materials into the environment.
3. Result in hazardous emissions or the handling of hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school, in non-compliance with existing hazardous substance regulations.
4. Be included on a list of hazardous materials sites compiled, pursuant to Government Code Section 65962.5.

Analysis

Hazardous Materials (Guidelines 1 though 4)

No industrial or residential uses are proposed as part of the proposed project, and no residential uses presently occur or are planned adjacent to the site.

Storage of hazardous materials within the project would be limited by the Fire Code. Any uses involving tire storage, automotive repair or dispensing of motor vehicle fuel would be required to manage hazardous wastes in accordance with existing regulations.

The project would not allow any schools tenants, nor are there any schools within one-quarter mile of the project, nor are schools known to be planned in the vicinity. The proposed development would not pose a significant hazard to nearby schools.

As discussed in Section 3.1.2.1, hazardous materials were not found on the subject property. In addition, no hazardous materials occur on surrounding property which could adversely impact future development of the subject property. Furthermore, no sites with releases of hazardous materials to the subsurface were reported within a one-mile radius of the project site. **Thus, a less than significant impact would occur to the site related to existing hazardous materials**.

Wildland Fire

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements - Wildland Fire and Fire Protection (March 19, 2007).

The proposed project would result in significant impacts related to wildfire if the project would:

1. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Analysis

Wildland Fire (Guideline 1)

According to the Project Facility Availability Form prepared by the SDRFP District (Appendix N) completed for the project, the anticipated emergency travel time to the project site is five minutes. This travel time meets the threshold emergency travel time of five minutes for commercial development, as stated in the General Plan Public Facility Element. Furthermore, the Fire Protection Plan (Appendix I) prepared for the proposed project concludes that the project would not expose people or structures to a significant wildland fire risk based on the type of vegetation that is proposed, buffering provided by parking lots and the multiple access on Otay Mesa Road and Harvest Road. In addition, the project is anticipated to have sufficient water flow and pressure to serve the emergency needs. **Thus, the proposed project would have a less than significant impact related to wildfire risk**.

Airport Safety

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the CEQA Guidelines, Appendix G.

The proposed project would result in significant impacts related to airport safety if the project would:

1. Be located within an airport land use plan or within two miles of a public or private airport, and would result in a safety hazard for people residing or working in the project area.

Analysis

Airport Safety (Guideline 1)

Caltrans Handbook

The EIR must utilize the Caltrans Handbook as a technical resource for evaluating airport safety, pursuant to CEQA Section 21096(a). The Handbook defines safety zones for the purpose of evaluating the safety compatibility of land use actions in the airport influence area. The zone boundaries are based on general aviation aircraft accident location data contained in the

Handbook and data regarding the runway configuration and aircraft operational procedures at the Airport.

To depict the relative risks of aircraft accidents near runway ends, the Handbook provides both a series of risk contours and a set of generic safety zones. The contours are derived directly from the accident location database described in the Handbook and show the relative concentrations of arrival and departure accidents near the ends of runways of different lengths. The generic safety zones are based on the same data and are depicted for different runway lengths and operational characteristics, but additionally consider aeronautical factors that affect where aircraft accidents are likely to occur. The west end of the project is 5,800 feet east of the 6,000–foot runway approach end. Over 80% of the arrival accident sites are concentrated within just 2,000 feet laterally from the extended runway centerline, but extending outward to approximately 11,000 feet of the runway end and 12 percent of arrival accidents will occur in Safety Zone 2.

The level of individual risk for a given location near an airport is dependent to a significant extent upon the number of aircraft operations and to a lesser degree upon the type of aircraft. The greater potential consequences of a large air carrier aircraft accident compared to that of a small general aviation aircraft is balanced by the fact that the larger aircraft have fewer accidents per a given number of operations. Not surprisingly, the data shows the highest level of risk occurs immediately beyond the runway ends. These risks are on the order of 1:10,000 per year and are typically contained within the limits of an airport's runway protection zones (RPZs). The extent of risks at the 1:100,000-level is more dependent upon the volume of aircraft operations on a runway, but generally is within an area immediately surrounding the RPZs.

The project is a typical single-story shopping center. The portion of the project within SZ 2 is comprised of 2.06 acres (90,004 sf) of landscaping and parking lot areas and 0.72 acre (31,170 sf) of a portion of a single-story store. Appendix C of the Handbook encourages the use of parking spaces as a means for estimating the number of people occupying a retail use. The County requires one parking space per 250 sf of building area. There is 31,170 sf of building area in SZ 2, resulting in the need for 125 parking spaces. Applying an average of 1.5 people per vehicle, the maximum occupancy of the portion of the building area in SZ 2 is 187 people pursuant to the Handbook formula. The remainder of the area within what the 2010 ALUCP considers SZ 2 is either parking area or landscaped area (for which the people already are included in the count). On a people per acre basis, this 187 people equates to a maximum intensity of 67 people per acre in SZ 2 based on a total of 2.78 acres located in SZ 2. This is less than the Handbook guideline that assumes an average usage intensity for single-story shopping centers is 75-125 people per acre (Caltrans Handbook, p. 9-51.)

As illustrated in Table 3.1-3, the number of people per acre in Safety Zones 2 and 4 would be 67 persons and 72 persons, respectively. This is less than the number suggested in the Handbook for SZ 2 with risk reduction (60-90 persons per acre) and SZ 4 without risk reduction (80-100 persons per acre). In addition, the maximum number of people in a single acre in SZ 2 would be 187, if all of the people were inside the store at once, which is just above the Handbook limit of 120-180. However, the actual number of people inside the portion of the store in SZ 2 is expected to be less than 180 because a portion of the building proposed in SZ 2 on the current plan would be dedicated to a truck dock and warehousing activities, which would have much

lower levels of occupancy compared to the public retail area. In SZ 2, even the restaurant pads, given a typical intensity of 150 people per acre per the Handbook (page 9-51) fall well below the single-acre standard of 240-300 persons. Therefore, there would be no significant airport safety impact.

The building design in SZ 2 includes the following risk reduction features, which allow for increased intensity according to the Handbook (page 9-53):

- Limited number and size of windows;
- No skylights;
- Single-story height; and
- Concrete walls.

The project also follows the Handbook in regards to clustering and siting criteria. According to the Handbook:

"A compromise between [clustered development and spread-out development] represents the optimum approach in most cases. This approach entails limiting the maximum occupancy level of a small area, but otherwise clustering development so as to provide the greatest amount of large open areas. For a small area, (one acre is a good guideline), a limitation of two to three times the overall criterion is typical with the lower number applying in safety zones closer to the runway ends." (Caltrans Handbook, p. 9-52.)

Following this guideline, the project has clustered the development in SZ 2 in just one building, located furthest away from the runway, leaving the areas of the lowest occupancy levels closer to the runway ends. In fact, the amount of contiguous open space in SZ 2 is 3.9 times the amount of building area.

FAA Hazards

To ensure that no hazards would arise from the project, the two pylon signs, which represent the highest portion of the site, were submitted to FAA for aeronautical studies pursuant to Part 77. The FAA issued two “Determinations of No Hazard” in April 2010, one for each of the signs, thereby concluding that the two pylon signs (A1 and A2) would not pose a hazard to air navigation. Copies of the FAA determinations are included in Appendix J.

Conclusion

In light of consistency with the Handbook and the findings of the FAA, **the proposed project would pose a less than significant airport hazard with respect to Brown Field.**

Emergency Response Plans

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Emergency Response Plans (July 30, 2007).

The proposed project would result in significant impacts related to an emergency response plan if the project would:

1. Impair or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Analysis

The San Diego County Community Protection/Evacuation Committee was established as a result of the firestorms of 2003. The Board of Supervisors directed the County of San Diego, through the Office of Emergency Services (OES), to ensure the creation of community protection and evacuation plans. OES is dedicated to assisting communities in San Diego County to develop their Local Plans. While East Otay Mesa does not have a community plan at this time, the applicable local fire and law enforcement agencies and the Airport Authority work together to have infrastructure suitable for planned development and community-wide protection and evacuation. Implementation of the proposed project would not prohibit or adversely affect the adoption or implementation of existing or future emergency plans by local agencies. **Thus, the project would not conflict with the County Operational Area Emergency Plan, and would have a less than significant impact**.

3.1.2.3 *Cumulative Impact Analysis*

As discussed above, the proposed project would result in less than significant direct impacts with respect to hazardous materials, wildland fire, airport safety, or emergency response plans.

Hazardous Materials

The geographic context for the analysis of cumulative impacts from hazardous materials use, transport, and disposal consists of the immediately surrounding area. Although each development site in the project vicinity could potentially result in hazardous materials impacts, as with the proposed project, any future projects in the site vicinity would be required to implement, as appropriate, similar site-specific measures to address potential impacts. It is expected that each project would comply with federal, state, and local statutes and regulations applicable to hazardous materials, and would be subject to existing and future plans or programs of enforcement by the appropriate regulatory agencies. **Based on these requirements, and the less than significant project impacts identified in this section, the proposed project would have a less than significant contribution to any significant cumulative impacts related to hazardous materials**.

Wildland Fire

The project site and vicinity is subject to a threat from wildfires. Development of the proposed project would not contribute to the risk of wildland fires because it will not result in an increase in areas prone to wildfires or expose people or structures to a significant wildland fire risk. **Therefore, the project's contribution to a regional cumulative wildland fire impact would be less than significant.**

Airport Safety

Future development in the vicinity of the project also will be located in the vicinity of the Brown Field Municipal Airport. The risk posed to each future development project is based on location, and would be a factor in any decision to approve or deny future projects. Future development within the Brown Field AIA would be subject to the ALUCP land use controls established to protect the function of the airport. **As such, risks to future development associated with proximity to Brown Field would not be cumulatively considerable and the project would have a less than significant contribution to cumulative airport safety impacts.**

Emergency Response Plans

Construction and operation associated with future development in the project vicinity may result in activities that could interfere with adopted emergency response plans. It is anticipated that future development projects would undergo CEQA review of potential impacts on adopted emergency response plans, and would be required to implement measures necessary to mitigate potential impacts. As such, cumulative impacts related to interference with existing or future emergency response plans would be less than significant. **Since the project would not conflict with the County Operational Emergency Plan, the project's contribution to cumulative impacts associated with interference with adopted emergency response plans would be less than significant.**

3.1.2.4 *Significance of Impacts Prior to Mitigation*

Impacts related to hazardous materials, wildland fire, airport safety and emergency response plans would be less than significant.

3.1.2.5 *Mitigation*

In the absence of significant impacts with respect to hazardous materials, wildland fire, airport safety and emergency response plans, no mitigation measures are required.

3.1.2.6 *Conclusion*

Project impacts related to hazardous materials, wildland fire, airport safety and emergency response plans would be less than significant.

3.1.3 Hydrology/Water Quality

Section 4.6 of the EOMSP EIR indicates that no development would occur within the 100-year floodplain. The EOMSP development would increase runoff flow, but the EOMSP includes specific provisions to ensure no impacts would result. The generation of pollutants, including sediments, hydrocarbons, heavy metals, and bacteria, were identified as significant but mitigable impacts to water quality. Water quality mitigation included detention facilities, storm drain facilities, energy dissipaters, erosion control, application of mulch to disturbed soils, buffers from channels, siltation basins, redirection of flows so unpaved areas are avoided, and best management practices related to the Clean Air Act. The proposed project has incorporated applicable EOMSP EIR mitigation measures as project features, as discussed in Chapter 1.

3.1.3.1 *Existing Conditions*

Regulatory Framework

The proposed project is subject to a number of regulatory requirements associated with federal, state and local guidelines, as summarized below.

The proposed project is subject to the federal National Pollutant Discharge Elimination (NPDES) requirements. Specific NPDES requirements associated with the proposed project include conformance with the General Construction Activity Storm Water Permit (Construction Permit, NPDES No. CAS000002, State Water Resources Control Board [SWRCB] Order 99-08-DWQ), General Groundwater Extraction Waste Discharge Permit (Groundwater Permit, NPDES No. CAG919002, RWQCB Order No. 2001-96), NPDES Municipal Storm Water Permit (Municipal Permit, NPDES CAS 0108758, RWQCB Order No. 2007-0001), and related County standards as outlined below.

Conformance with the Construction Permit is required prior to development of applicable sites exceeding one acre. Specific conformance requirements include implementing a Stormwater Pollution Prevention Plan (SWPPP) and an associated monitoring program, as well as a Storm Water Sampling and Analysis Strategy (SWSAS) for applicable projects (i.e., those discharging directly into waters impaired due to sedimentation or involving potential discharge of non-visible contaminants that may exceed water quality objectives). These plans identify detailed measures to prevent and control the off-site discharge of contaminants in storm water runoff. Specific pollution control measures require the use of best available technology (BAT) economically achievable and/or best conventional pollutant control technology (BCT) levels of treatment, with these requirements implemented through best management practices (BMPs).

Conformance with the noted Groundwater Permit is applicable to discharge activities that either involve more than 100,000 gallons per day (gpd) of discharge, or include contaminants that would exceed applicable discharge requirements. Specifically, these requirements are intended to ensure compliance with applicable Basin Plan water quality and beneficial use objectives, and typically require BMPs involving a number of physical and/or chemical parameters such as erosion/sedimentation controls and testing/treatment of extracted groundwater prior to disposal.

The Municipal Permit identifies waste discharge requirements for urban runoff related to applicable new development, redevelopment and existing development sites under the jurisdiction of co-permittees (e.g., the County of San Diego, MEC 2007). The intent of these requirements is to protect environmentally sensitive areas and provide conformance with pertinent water quality standards. Identified requirements involve using a number of planning, design, operation, treatment and enforcement measures to reduce pollutant discharges from individual development projects (and the municipal storm drain system as a whole) to the maximum extent practicable. Specifically, these measures include: (1) using jurisdictional planning efforts (such as discretionary general plan approvals) to provide water quality protection; (2) requiring coordination between individual jurisdictions to provide watershed-based water quality protection; (3) implementing applicable low impact development (LID), site design, source control, priority project, and volume- or flow-based (as defined in the permit text) treatment control BMPs to avoid, reduce and/or mitigate effects including increased erosion and sedimentation, hydromodification and the discharge of contaminants in urban runoff; and (4) using appropriate monitoring, reporting and enforcement efforts to ensure proper implementation, documentation and (as appropriate) modification of permit requirements. The Municipal Permit also requires co-permittees to fund and implement urban runoff management plans (URMPs) to reduce runoff and contaminant discharges. The URMPs were conducted on a jurisdictional basis for the first two years, and were expanded to include a watershed-based approach for subsequent efforts (WURMPs). The watershed-based approach has been implemented for the project site and applicable downstream watersheds through the Tijuana River WURMP (City of Imperial Beach 2003).

The RWQCB Basin Plan establishes a number of beneficial uses and water quality objectives for surface and groundwater resources. Beneficial uses are generally defined in the Basin Plan as "the uses of water necessary for the survival or well being of man, plus plants and wildlife." Identified existing and potential beneficial uses for receiving waters located downstream of the project site include: agricultural supply (AGR); industrial service supply (IND); contact and non-contact water recreation (REC-1 and REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD); and rare, threatened, or endangered species (RARE). Identified beneficial uses for groundwater in the Water Tanks HSA include municipal and domestic supply (MUN), AGR and IND.

Water quality objectives identified in the Basin Plan are based on established beneficial uses and are defined as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses." Water quality objectives include both narrative requirements (which can encompass qualitative and quantitative standards) and specific numeric objectives for identified contaminants and waters. Numeric water quality objectives have not been established for surface waters in the Tijuana Valley HA or the Water Tanks HSA, with these areas subject to narrative objectives as identified in the Basin Plan. Specifically, narrative objectives for these areas include quantitative requirements for contaminants such as ammonia, coliform and chloride, as well as qualitative standards for additional contaminants, degradation of waters and associated biological communities.

Pursuant to the NPDES Municipal Permit requirements, the County has adopted the Watershed Protection, Stormwater Management and Discharge Control Ordinance (County of San Diego

2008c) along with an associated Stormwater Standards Manual (2003) and the County Standard Urban Storm Water Mitigation Plan (SUSMP, County of San Diego 2010a). These documents provide requirements for the inclusion of permanent site design, source control, priority project and treatment control BMPs into applicable projects. The County Storm Water Ordinance/Manual (County 2008c and 2003) also requires construction-related BMPs to address issues including erosion and sedimentation. The County may, at its discretion, require the submittal and approval of a SWPPP to address construction-related storm water issues prior to site development (with such requirements in addition to the NPDES SWPPP criteria described above). The application of County storm water requirements is described below as appropriate in the discussion of potential impacts.

Watershed and Drainage Characteristics

The project site is located within the 470 square-mile Tijuana Hydrologic Unit (HU) which extends between the Laguna Mountains (near Little Laguna Lake) and the international border with Mexico on the east, and the City of Imperial Beach and the border along the coast. The Tijuana HU is divided into a number of hydrologic areas and subareas based on local drainage characteristics. The project site is located within the Water Tanks Hydrologic Subarea (HSA) of the Tijuana Valley Hydrologic Area (HA). Drainage within the Tijuana HU is through the Tijuana River and associated tributaries.

Surface drainage within the project site and immediate vicinity occurs as sheet flow generally flowing north to south/southwest across the gently sloping site. Drainage along the west side of the project site collects in a concrete ditch and is directed to the south of the site, whereupon it flows into an existing double 6-foot-by-2-foot, reinforced concrete box (RCB) culvert at the southwest corner of the site. The double RCB culvert is designed to convey the existing 100-year peak flow from the project site and adjacent areas underneath Otay Mesa Road. A small portion of the northwest corner of the project site currently drains to the north via the aforementioned concrete ditch. The double RCB culvert drains into several intermittent streams in the vicinity, each of which eventually flows into the Tijuana River approximately 6.25 miles southwest of the project site and across the International Border into Mexico.

Based on the Drainage Study completed for the project (Appendix K), the existing drainage basin on the site produces a 100-year storm flow of 95.3 cubic feet per second (cfs) at its discharge point.

The Federal Emergency Management Agency (FEMA) has mapped flood hazards in the project site and vicinity (FEMA 1997). The entire site and adjacent areas are designated as Zone X, which represent areas determined to be outside the 500-year (and therefore the 100-year) floodplain. The closest mapped 100-year floodplain is located just under one mile north of the site along Johnson Canyon Creek.

Groundwater

No regional groundwater basins are mapped within the project site and immediate vicinity. The closest major aquifer is the Lower Tijuana River Basin, located approximately 5.5 miles to the west at its closest point.

Groundwater was encountered within the site at a depth of 49 feet during the geotechnical investigation conducted by Krazan & Associates. The observed water table elevation is expected to fluctuate seasonally and from year to year for reasons which include variations in precipitation, climatic conditions, irrigation practices at the site and surrounding areas and pumping from wells.

Water Quality

Surface Water

Surface water within the project site and immediate vicinity consists predominantly of ephemeral flows from storm events. No known water quality data are available for the project site and vicinity. Based on the undeveloped nature of the project site and relatively low intensity of existing development within upstream areas, local surface water quality is expected to be generally good.

Groundwater Quality

No known groundwater quality data are available for the project site and vicinity. Regional data include reported TDS levels of between 500 and 3,000 milligrams per liter (mg/l), and 380 to 3,620 mg/l in the Lower Tijuana River Basin.

3.1.3.2 *Analysis of Project Effects and Determination as to Significance*

Hydrology

Guidelines for the Determination of Significance

The following guidelines used to determine significance are based on the County of San Diego Guidelines for Determining Significance - Hydrology (July 30, 2007).

A significant hydrology impact would occur if the proposed project would:

1. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
2. Increase water surface elevation in a watercourse within a watershed equal of greater than one square mile, by one foot or more in height, and in the case of the San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River and Otay River, 2/10 of a foot or more in height.

3. Result in increased velocities and peak flow rates exiting the project site that would cause flooding downstream, or exceed the stormwater drainage system capacity serving the site.
4. Result in placing housing, habitable structures, or unanchored impediments to flow in a 100-year floodplain area or other special flood hazard area, as shown on a FIRM, a County Flood Plain Map or County Alluvial Fan Map, which would subsequently endanger health, safety and property due to flooding.
5. Place structures within a 100-year flood hazard or alter the floodway in a manner that would redirect or impede flow resulting in any of the following:
    a. Alter the Lines of Inundation resulting in the placement of other housing in a 100-year flood hazard; or
    b. Increase water surface elevation in a watercourse with a watershed equal or greater than one square mile by one foot or more in height and in the case of the San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River and Otay River 2/10 of a foot or more in height.

Analysis

Drainage Alteration (Guideline 1)

According to a Drainage Study prepared by Project Design Consultants (Appendix K), the proposed project would include a series of drainage inlets, swales, pipes and energy dissipation structures. These facilities would collect runoff from off-site areas as well as within the project area and convey it to an on-site underground detention basin in the southwest portion of the site. This detention basin would discharge the water into the existing pipe which passes beneath Otay Mesa Road. The project's drainage pattern would mimic the existing conditions. **Thus, the project would have less than significant impacts related to alteration of existing drainage patterns**.

Water Surface Elevation (Guideline 2)

The proposed detention basin would regulate on-site flows to assure that on-site flow would not exceed current rates. It is estimated that the detention basin would result in a discharge rate of 25.3 cfs which combined with the off-site flow of 70.0 cfs would produce a total of 95.3 cfs, which is equal to the current rate of 95.3 cfs. **Since the discharge rate would remain the same, the downstream water surface elevation would not be expected to increase. Therefore, the project would have less than significant impacts related to water surface elevation**.

Downstream Flooding (Guideline 3)

As mentioned above, the proposed project would reduce flow discharge rates and would direct flows into the existing culvert. The culvert is sized for the existing flow rate. **Since the proposed project would not increase the flow entering this culvert, impacts related to downstream flooding are considered less than significant.**

Place Housing or Structures in a Floodplain (Guideline 4 and 5)

The proposed project is not located within a 100- or 500-year floodplain. **Thus, future development on the site would have a less than significant impact relating to placement of housing or structures within a floodplain**.

Water Quality

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance - Surface Water Quality (July 30, 2007).

A significant water quality impact would occur if the proposed project would:

1. Not comply with the standards set forth in the County Stormwater Standards Manual, Regulatory Ordinances Section 67.813, as amended, or the Additional Requirements for Land Disturbance Activities set forth in Regulatory Ordinances, Section 67.
2. Drain to a tributary of an impaired water body listed on the Clean Water Act (USFWS 1948) Section 303(d) list (SWRCB 2007), and will contribute substantial additional pollutant(s) for which the receiving water is already impaired.
3. Drain to a tributary of a drinking water reservoir and will contribute substantially more pollutant(s) than would normally runoff from the project site under natural conditions.
4. Contribute pollution in excess of that allowed by applicable State or local water quality objectives or will cause or contribute to the degradation of beneficial uses.
5. Not conform to applicable Federal, State or local "Clean Water" statutes or regulations including but not limited to the Federal Water Pollution Control Act, California Porter-Cologne Water Quality Control Act, and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

The identified significance guidelines for water quality are taken from the July 2007 Guidelines for Determining Significance for Water Quality. The guidelines are based on criteria provided in sources including Appendix G of the State CEQA Guidelines, as well as the federal, state and County standards described above.

Analysis

Regulation Conformance (Guidelines 1 and 5)

The proposed project would comply with all state, regional, and local regulations. The proposed project would comply with the NPDES Construction Permit and County Stormwater Ordinance/Stormwater Standards Manual, including the implementation of an authorized SWPPP to address erosion and sedimentation concerns. A SWMP has been prepared for the proposed project. The proposed project would conform to applicable NPDES and County storm water standards, with such conformance to include the use of appropriate post-construction site design, source control and treatment control BMPs. Specific proposed construction and post-

construction BMPs are identified in Appendix L and in Chapter 1.0. **As such, no impact related to conformance with applicable storm water regulations would occur.**

Water Quality (Guideline 4)

Short-term water quality impacts related to project construction include erosion/sedimentation, and the on-site use and storage of hazardous materials. Potential water quality issues during construction would be avoided through conformance with the NPDES Construction Permit and County Stormwater Ordinance/Stormwater Standards Manual, including the implementation of an authorized SWPPP to address erosion and sedimentation concerns. While specific BMPs related to this issue would be determined during the SWPPP process, based on site characteristics (soils, slopes, etc.) and proposed grading, they would include standard industry measures and guidelines contained in the project Storm Water Management Plan (SWMP, Appendix L), NPDES Construction Permit text, and County Stormwater Ordinance/Stormwater Standards Manual as well as the additional regulatory and industry sources identified above under Regulatory Framework. Refer to Chapter 1 for construction-related water quality BMPs. **Based on implementation of appropriate erosion and sediment control BMPs as part of, and in conformance with, the project SWPPP (and associated regulatory requirements), construction-related erosion and sedimentation impacts would be less than significant.**

Long-term operation of the proposed commercial uses could pose a risk to surface water quality. Anticipated contaminants include sediment, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, pesticides, herbicides, and bacteria and viruses; potential contaminants include nutrients and pesticides. Affected downstream waters may include portions of the Tijuana River and several intermittent streams, as well as the Tijuana River Estuary and associated coastal waters.

The proposed project would conform to applicable NPDES and County storm water standards, with such conformance to include the use of appropriate post-construction site design, source control and treatment control BMPs. Specific proposed BMPs are identified in Appendix L and in Chapter 1.

The identified treatment control BMPs would help to improve long-term water quality within and downstream of the project site and conform with applicable regulatory requirements by treating/removing contaminants from urban runoff prior to downstream discharge. The combination of these types of treatment BMPs, together with the site design and source control measures identified for the proposed project, provide numerous measures for the protection of water quality on and downstream of the project site.

Considering that the proposed project would include construction and post-construction BMPs, and would comply with the requirements of local, state, and federal jurisdictions that protect water quality, the proposed project would not contribute pollution in excess of that allowed by applicable State or local water quality objectives or cause or contribute to the degradation of beneficial uses. **Thus, water pollution impacts would be less than significant.**

Pollutant Contribution to an Impaired Water Body (Guideline 2)

The Tijuana River is the nearest 303(d) list water body, and is located 6.25 miles to the southwest. While the project proposes to direct on-site flows into the RCB recently built by Caltrans, surface flows still may reach the Tijuana River. This river is listed as impaired by eutrophs, indicator bacteria, low dissolved oxygen, pesticides, solids, synthetic organics, trace elements, and trash. As discussed in Section 1.1 under the Water Quality Features, the proposed project would include construction and post-construction BMPs. These BMPs have been designed to ensure that the proposed project does not discharge a significant amount of pollutants in runoff. The proposed project would also comply with the requirements of local, state, and federal jurisdictions that protect water quality. **Thus, impacts to 303(d) list water bodies would be less than significant.**

Pollutant Contribution to Drinking Water Source (Guideline 3)

The closest surface water source to the proposed project is Pond 36B located to the west of SR-125. The proposed project would not drain to this pond. **As the project site does not drain to a tributary of a drinking water reservoir, no impact would occur with respect to water storage reservoirs.**

3.1.3.3 *Cumulative Impact Analysis*

As described in the preceding analysis, implementation of the proposed project would require conformance with a number of regulatory requirements related to hydrology and water quality. As a result, hydrology and water quality impacts from the proposed project would be avoided or reduced to less than significant. Implementation of the other cumulative projects would also be required to comply with these policies and regulations. **Thus, there would be a less than significant cumulative hydrology and water quality impacts.**

3.1.3.4 *Significance of Impacts Prior to Mitigation*

As discussed above, impacts related to project-specific or cumulative hydrology and water quality impacts associated would be less than significant due to the project features and compliance with federal, state and local regulations and policies.

3.1.3.5 *Mitigation*

As no significant hydrology or water quality impacts are associated with the proposed project, no mitigation measures are required.

3.1.3.6 *Conclusion*

Direct and cumulative hydrology and water quality impacts would be less than significant with project implementation.

3.1.4 Noise

Section 4.8 of the EOMSP EIR identified potential noise impacts to residences from traffic noise (air and land), industrial and commercial activities, land fill activities, and construction activities. Mitigation included completing noise studies for proposed sensitive land uses and roadway projects, and avoidance of future residential development within the Brown Field noise impact area. EOMSP short-term construction and interim use project noise impacts would be mitigated through restriction of residential development unless a project-specific noise analysis demonstrates compliance with the County noise ordinance, and the County Construction Noise Ordinance (2009). It is noted that potential noise impacts to gnatcatchers discussed in the Noise Section of the EOMSP EIR are addressed in Section 2.3, Biological Resources.

3.1.4.1 *Existing Conditions*

The following discussion is based on a project-specific acoustical analysis prepared in Appendix M (Urban Crossroads 2010c).

Noise Descriptors

Noise can be defined as any unwanted sound. Sound levels are usually measured and expressed in units called decibels (dB). Since the human ear is not equally sensitive to all sound frequencies, noise levels are factored more toward human sensitivity using the "A" weighting scale, written as dBA. To evaluate the long-term characteristics of sound, accounting for the variability in sound levels over time, a mathematical average is used to describe the noise exposure. This time-averaged sound level over a specific period of time (e.g., one hour) is defined as the noise equivalent level (L_{eq}).

Because community receptors are more sensitive to unwanted noise intrusion during the evening hours and at night, state law requires that measured noise during the evening and at night be artificially increased to obtain the average sound level during a 24-hour period. This noise descriptor, which is commonly used to evaluate environmental noise, is called the Community Noise Equivalent Level (CNEL). It is obtained by adding a 5 dB penalty to measured sound levels in the evening hours (7 p.m. to 10 p.m.) and a 10 dB penalty to measured sound levels at night (10 p.m. to 7 a.m.) to account for heightened noise sensitivity during the evening and nighttime hours.

Existing Ambient Noise Levels

The project site is currently undeveloped, with the exception of dirt and paved roads along the perimeter. Roads along the project boundary include Harvest Road (two-lane dirt road) to the east, SR-125 to the west, and SR-905 and Otay Mesa Road to the south. Ambient noise in the vicinity is generated by vehicular traffic along these roadways and air traffic associated with Tijuana-Rodriguez International Airport, Brown Field and the U.S. Border Patrol. The primary noise source in the project area is Otay Mesa Road. Approximately five feet from Otay Mesa Road, noise levels were measured to be 76.5 dBA L_{eq} and 76.6 dBA CNEL. Existing calculated roadway noise within the project site ranges from 66.0 to 81.3 dBA CNEL.

Applicable Plans and Policies

County plans and policies address two separate types of noise sources; mobile and stationary. In the context of the noise analysis, transportation noise levels associated with the proposed project are regulated by Policy 4b of the County of San Diego Noise Element in the General Plan. County Noise Ordinance Sections 36.404 and 36.409 govern operational and construction noise levels, respectively (County 2009a). In addition, the proposed project is subject to applicable requirements of the County Zoning Ordinance, as well as the County of San Diego Noise Element.

The County Noise Ordinance (Section 36.404) establishes prohibitions for disturbing, excessive, or offensive noise for the purposes of securing and promoting the public health, comfort, safety, peace, and quiet, for its citizens. Section 36.404 of the County Noise Ordinance provides performance standards and noise control guidelines for determining and mitigating non-transportation, or stationary, noise source impacts to residential properties. According to County stationary source exterior noise standards, noise levels cannot exceed the exterior noise limits at the property boundary of parcels within non-industrial zones. As the adjacent areas are designated as Specific Plan (S88), the Noise Ordinance requires the project to not generate noise levels in excess of 60 dBA L_{eq} at the property line during daytime hours and 55 dBA L_{eq} during nighttime hours.

The Noise Ordinance establishes additional noise limitations for operation of construction equipment in Section 36.409. Except for emergency work, it is unlawful to operate construction equipment between the hours of 7:00 p.m. and 7:00 a.m. Construction is prohibited on Sundays and specified holidays. Construction noise is not allowed to result in noise greater than 75 dBA L_{eq} for more than 8 hours during any 24-hour period when measured at or beyond the property line of the occupied property.

3.1.4.2 *Analysis of Project Effects and Determination as to Significance*

Construction Noise

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements- Noise (Revised January 27, 2009).

A significant construction noise impact would occur if the proposed project would:

1. Generate construction noise that exceeds the standards and allowable hours listed in the San Diego County Code, Section 36.409, Construction Equipment.

Analysis

Construction Noise (Guideline 1)

The noise levels generated by construction equipment would vary greatly depending upon the type and specific model of the equipment, the operation being performed and the condition of the equipment. The average sound level of the construction activity will also depend upon the

amount of time that the equipment operates and the intensity of the construction during the time period. The major grading phase of the project would be expected to be completed within two months.

It is anticipated that grading for the project would include one CAT D-6 dozer, one CAT D-8 dozer, two skip loaders, one CAT 14 motor grader, one 2,500-gallon water truck, one CAT 824 rubber tire dozer and four CAT 637 scrapers. In general, heavy construction equipment can generate noise levels of 60 dBA to over 100 dBA when measured at 50 feet. Specifically, the dozers and scrapers would generate approximately 75 dBA at 50 feet, and the skip loader, grader, and water truck would generate 70 dBA at 50 feet. These noise levels would diminish at about 6 dBA per doubling distance.

The noise analysis contained in Appendix M determined that the closest property line to the acoustic center of the project site is located along the eastern site boundary and Harvest Road, which is located approximately 450 feet from the center of the site. This area would experience noise levels of 65.1 dBA. While this property is not currently occupied, this is far below the County of San Diego's 75 dBA standard for temporary construction activities at occupied properties. All other properties in the vicinity would experience lesser project construction noise impacts. **Thus, a less than significant noise impact would occur from project construction**.

Operational Noise Impacts

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements- Noise (Revised January 27, 2009).

A significant operational noise impact would occur if the proposed project would:

1. Generate non-transportation noise that exceeds the standards listed in the San Diego County Code, Section 36.404, Sound Level Limits at all property lines or other applicable locations.

Analysis

Operational Noise (Guideline 1)

Noise associated with the proposed project would be primarily generated by delivery trucks, truck loading/unloading, trash compactors, drive through speakers, back-up generators, and heating, ventilation and air conditioning (HVAC) units. The project includes an eight-foot wall around the loading dock to the north of the anchor, which would reduce stationary noise from the loading dock, truck deliveries, trash compactor and back-up generator. Since these activities may occur during day and night hours, both the daytime standard of 60 dBA and the nighttime standard of 55 dBA was utilized in the analysis. The worst-case scenario of all the non-transportation noise sources operating at one time was assumed.

Based on noise analysis contained in Appendix M, operations associated with the proposed project stationary noise sources would range from 25.6 to 48.7 dBA during the day and night. These stationary noise sources would combine to create a noise level of 55.0 dBA at the northern property line, 48.0 dBA at the eastern property line, 39.1 dBA at the southern property line, and 39.2 dBA at the western property line. Thus, the proposed project would not generate noise levels at the property line which would exceed the daytime noise standard of 60 dBA L_{eq} or the nighttime noise standard of 55 dBA L_{eq}. **Thus, the proposed project would have a less than significant impact on surrounding property as a result of operation of the proposed regional commercial center**.

Transportation Noise

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements- Noise (Revised January 27, 2009).

A significant transportation noise impact would occur if the proposed project would:

1. Generate transportation noise that exceeds 60 dBA CNEL at any sensitive receptor, or expose existing noise-sensitive land uses that already exceed 60 dBA CNEL to an increase in project-related noise levels that exceed 3 dB CNEL.

Analysis

Transportation Noise (Guideline 1)

Existing sensitive noise receptors in the area include scattered rural residences, hotels, and detention facilities. A Traffic Noise Prediction Model was used to determine the effect of project traffic added to surrounding roadways. Based on this analysis, it was determined that the existing noise level range in the project area of 66.0 to 81.3 dBA CNEL would be increased by the proposed project to 71.3 to 81.4 dBA CNEL. Traffic associated with the proposed project would increase existing noise levels by 0.1 to 5.3 dBA CNEL. Increases of over 3 dBA would occur at the following roadway segments:

- Otay Mesa Road from Interim SR-905 Connector to Harvest Road (3.8 dBA project increase);
- Airway Road from Sanyo Avenue to Paseo de las Americas (3.3 dBA project increase);
- Sanyo Avenue from Otay Mesa Road to Airway Road (5.3 dBA project increase); and
- Paseo de las Americas from Airway Road to Siempre Viva Road (3.4 dBA project increase).

The only roadway segment with existing or proposed noise sensitive land uses is along Otay Mesa Road, between Sanyo Avenue and Enrico Fermi Drive. Three homes exist along this

segment of Otay Mesa Road. According to the Traffic Noise Prediction Model, the project would result in a direct increase of 2.5 dBA CNEL at these locations, which is below the threshold of significance. Furthermore, the project would not allow any noise sensitive commercial uses that could be affected. **Thus, direct impacts from project traffic noise would be less than significant.**

The proposed commercial uses would be subject to traffic and aircraft noise due to the proximity of SR-125 and Brown Field. Although traffic noise on the subject property exceeds 75 dBA under the existing and existing plus project conditions, no significant impact would occur since the commercial uses are not considered noise-sensitive. The Comprehensive Land Use Plan for Brown Field indicates the site is located outside of the 60 dBA CNEL contour of the airport. Impacts to the proposed commercial uses from Brown Field are considered less than significant since they do not exceed 60 dBA CNEL, and commercial uses are not considered sensitive to noise. **Thus, the traffic or aircraft noise impacts to the proposed project would be less than significant**.

3.1.4.3 *Cumulative Impact Analysis*

Guidelines for the Determination of Significance

The following guideline used to determine significance is based on the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements- Noise (Revised January 27, 2009).

A significant transportation noise impact would occur if the proposed project would:

1. Contribute to a cumulative construction noise impact that exceeds the standards and allowable hours listed in the San Diego County Code, Section 36.409 that regulates construction noise.
2. Contribute to a cumulative non-transportation noise impact that exceeds the standards listed in the San Diego County Code, Section 36.404, Sound Level Limits at all property lines or other applicable locations.
3. Contribute over 1 dBA or over 50 percent to a 3 dBA cumulative increase at a sensitive noise receptor that exceeds 60 dBA CNEL.

Construction Noise

Each cumulative project listed in Table 1-1 would produce temporary construction noise. As with the proposed project, construction schedules and construction noise equipment levels would vary depending on the type of equipment and its duration of use. Cumulative construction noise is not anticipated to be significant because: construction schedules of the various projects would not overlap, there is a significant distance between most of the construction projects, and each project would have to limit construction hours and noise levels to those specified in the County Noise Ordinance. The only project close enough to the proposed project to result in combined construction noise impacts is Phase 2 of SR-905. Phase 2 is not funded at this time and the construction date is speculative. Given that there are no sensitive receptors located where

Phase 2 of SR-905 and the proposed project noise sources would combine, this potential cumulative impact is considered less than significant. **Overall, cumulative construction noise impacts would be less than significant.**

Operational Noise

All of the projects proposed adjacent to the proposed project site are commercial or light industrial in character, would not result in the construction of new noise-sensitive uses, and would be required to comply with the property line noise limits set by the County Noise Ordinance. The closest proposed residential cumulative projects that would result in the construction of new noise-sensitive uses are located four miles from the project site, which is too far away to be impacted by the project considering noise decreases 6 dBA for each doubling of distance. **Therefore, the project would have a less than significant contribution to cumulative noise levels.**

Transportation Noise

In the cumulative, with SR-905 condition, the proposed project in combination with cumulative projects would increase the noise level range of 66.0 to 81.3 dBA CNEL to 71.8 to 83.2 dBA CNEL. The proposed project plus cumulative projects would alter the cumulative noise levels by -4.3 to 7.8 dBA CNEL. The following roadways would experience a cumulative noise impact greater than 3 dBA:

- Otay Mesa Road from SR-125 to Interim SR-905 Connector (3.0 dBA cumulative increase; 3.0 dBA project contribution);
- Otay Mesa Road from Interim SR-905 Connector to Harvest Road (5.3 dBA cumulative increase; 3.3 dBA project contribution);
- Airway Road from Sanyo Avenue to Paseo de las Americas (6.6 dBA cumulative increase; 1.4 dBA project contribution);
- Siempre Viva Road from SR-905 to Paseo de las Americas (3.0 dBA cumulative increase; 0.4 dBA project contribution);
- Existing SR-905 from Otay Mesa Road to Siempre Viva Road (4.7 dBA cumulative increase; 0.3 dBA project contribution);
- Existing SR-905 south of Siempre Viva Road (4.3 dBA cumulative increase; 0.7 dBA project contribution);
- Sanyo Avenue from Otay Mesa Road to Airway Road (7.8 dBA cumulative increase; 1.4 dBA project contribution); and
- Paseo de las Americas from Airway Road to Siempre Viva Road (5.9 dBA cumulative increase; 1.0 dBA project contribution).

The only sensitive noise receptors are three residences along Otay Mesa Road, between Sanyo Avenue and Enrico Fermi Drive. However, with the construction of SR-905, traffic will be diverted and the traffic volumes and subsequent noise levels will be lower in the near-term cumulative conditions. The overall cumulative noise increase at these sensitive noise receptors would be 1.9 dBA and the project-related cumulative increase would be 0.8 dBA CNEL. The project would create an impact of more than 1.0 dBA CNEL on two segments of Otay Mesa

Road, and one segment of Airway Road, Siempre Viva Road, Sanyo Avenue, and Paseo de las Americas. **Given that no noise sensitive land uses exist or are proposed along these segments, the project's contribution to the significant cumulative traffic noise impact to sensitive receptors is considered less than significant.**

3.1.4.4 *Significance of Impacts Prior to Mitigation*

The proposed project would not result in any significant noise impacts.

3.1.4.5 *Mitigation*

As the project would not be associated with significant noise impacts, no mitigation measures are required.

3.1.4.6 *Conclusion*

The proposed project would result in less than significant noise impacts. No noise-sensitive uses occur adjacent to the proposed project. Furthermore, because commercial uses are not sensitive to noise, traffic and aircraft noise affecting the subject property would not have a significant impact on the future use.

Table 3.1-1
PROJECT AREA WITHIN 2010 ALUCP SAFETY ZONES

Safety Zone	Square Feet	Acres
2	121,175	2.78
4	913,554	20.97
6	206,178	4.75
TOTAL	**1,241,447**	**28.50**

Table 3.1-2
COMPARISON OF BUILDING AREA WITHIN SAFETY ZONES[1]
(2007 VS. 2010 SITE PLAN)

Safety Zone	Building Area Coverage					
	Square Feet			Acres		
	2007 Site Plan	2010 Site Plan	Net Change from 2007 Site Plan	2007 Site Plan	2010 Site Plan	Net Change from 2007 Site Plan
2	44,878	31,170	-13,608	1.03	0.72	-0.31
4	226,056	250,399	+24,343	5.19	5.75	+0.56
6	59,590	40,426	+19,164	0.93	1.37	+1.28

[1] Based on 2010 ALUCP.

Table 3.1-3
COMPARISON OF PERSONS PER ACRE ALLOWED VS. PROPOSED IN AIRPORT SAFETY ZONES

Safety Zone	Persons per Acre Allowed in Safety Zone[1]	Total Acres in Safety Zone	Total Persons Allowed in Safety Zone[1]	Total Persons Proposed in Safety Zone[3]
2	60-90[2]	2.78	167-250	187
4	80-100	20.97	1,678-2,097	1,502
6	N/A	4.75	N/A	242

[1] Pursuant to Caltrans Handbook.
[2] With Risk Reduction Building Design
[3] Based on a building area of 31,170 sf in SZ 2 and 250,399 sf within SZ 4.

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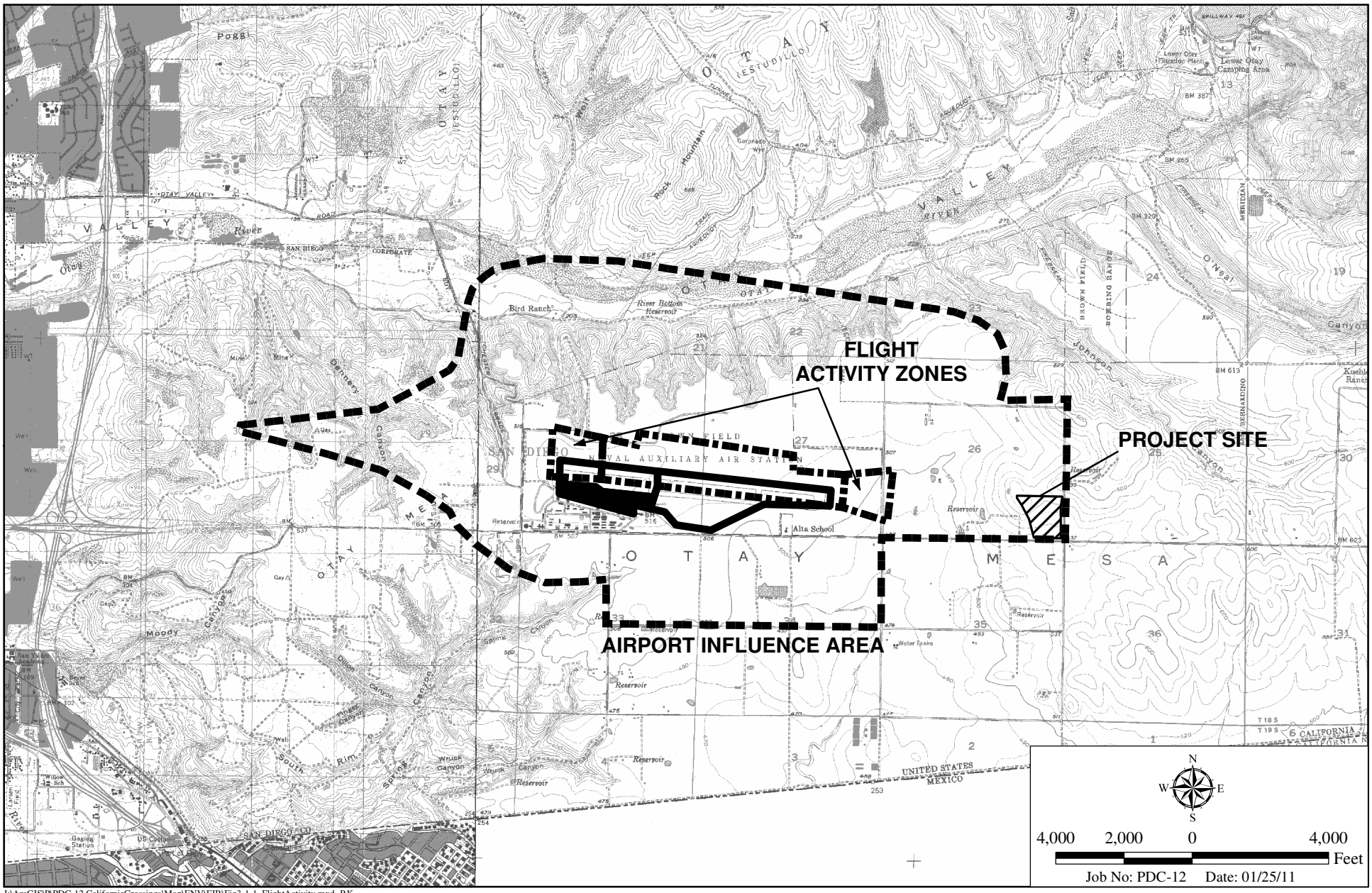

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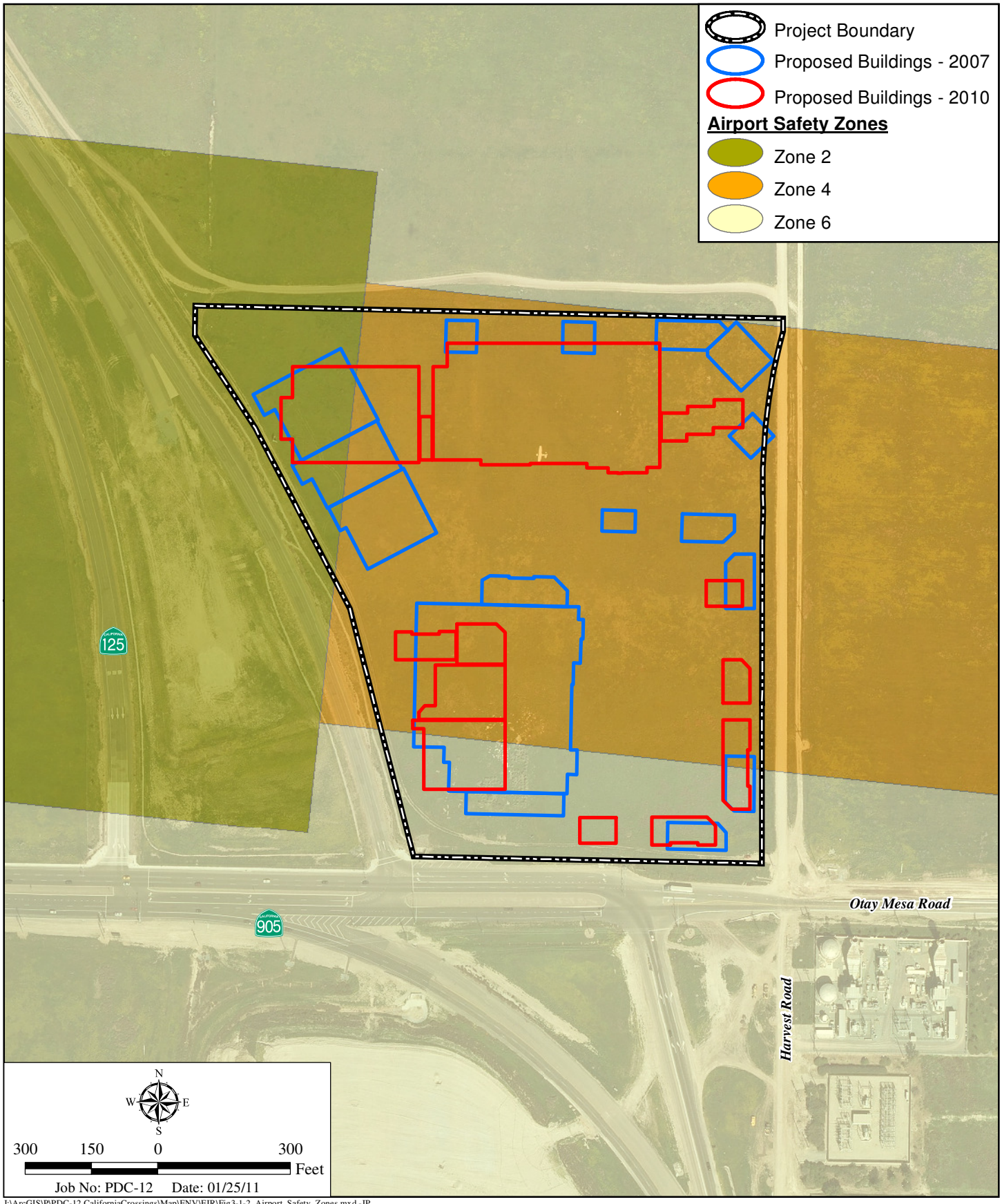
Flight Activity Zones (2004 ALUCP)

CALIFORNIA CROSSINGS

HELIX Environmental Planning

Figure 3.1-1



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2010 Brown Field ALUCP - Safety Zones

CALIFORNIA CROSSINGS

HELIX Environmental Planning

Figure 3.1-2

Section 3.2

EFFECTS FOUND NOT SIGNIFICANT DURING INITIAL STUDY

3.2 Effects Found Not Significant During Initial Study

The County completed an *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation,* in the place of an Initial Study, to determine the appropriate additional environmental documentation needed when there is a previously certified EIR covering the project for which a subsequent discretionary action is required (pursuant to Sections 15162 through 15164 of the State CEQA Guidelines). A number of issues were found to have less than significant effects, as detailed in the *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation* for the proposed project (refer to Appendix A, NOP and Comments to the NOP, for a copy of the form). Although there have been substantial changes in the circumstances under which the proposed project would be undertaken that require major revisions to the EOMSP Final EIR for the topics discussed in Chapter 2.0, the County has determined that no changes in the project, changes in the circumstances or new information have occurred in the areas of agriculture, land use and planning, mineral resources, population and housing, public services and utilities, or recreation to warrant additional or new analysis. Thus, the following discussion is based in part on the EOMSP Final EIR, which is incorporated by reference herein, and on information contained in the *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation*.

3.2.1 Agriculture

Agricultural resources are discussed under Land Use in Section 4.1 of the EOMSP Final EIR. The previous EIR concluded that the loss of Important Farmland within the EOMSP area would be a less than significant impact since the Important Farmland classification applies only to a limited area and agriculture could continue as an interim use prior to build-out of the Specific Plan. While the proposed project site contains Farmland of Local Importance, no agricultural or grazing use of the land within the project site occurs or has occurred for some time. **Thus, the proposed project would have a less than significant impact to agriculture, as described in the EOMSP FEIR.**

3.2.2 Land Use and Planning

The EOMSP EIR identified the following significant land use impacts that would be reduced to less than significant with the identified mitigation:

- Incompatibility between proposed residences and the prison facilities, industrial development, the International Raceway, and proposed OHV park. Mitigation includes buffers, adherence to noise mitigation, and locating homes away from light sources.
- Impacts to Western Land Boundary Monument #252. Mitigation is a buffer and access for maintenance.
- Impacts to important farmlands (not referring to land on or near the project site). No mitigation.
- Inconsistency with Otay Subregional Plan Guidelines policy protecting sensitive resources. Mitigation is to include a comprehensive biological preserve system.

- Noise incompatibility between Brown Field and proposed residences. Mitigation would be for future residential developments to complete a noise study that demonstrates noise would be below the County Noise Ordinance limits or incorporate appropriate noise attenuation.
- Inconsistency with the Otay Valley Regional Park that identifies Johnson Canyon as an open space preserve. The County shall revise the Johnson Canyon designation to make these plans consistent.

As discussed below, none of these impacts would result from the implementation of the proposed project and none of the mitigation measures are triggered by the project.

3.2.2.1 *Land Use Policy*

General Plan

The San Diego County General Plan is comprised of a number of Elements that establish goals and objectives for development. While the primary element that is applicable to proposed project is the Regional Land Use Element, the other elements consisting of Circulation, Conservation, Energy, Open Space, Noise, Public Facility, Recreation, and Seismic Safety also apply to new development. A brief discussion of the relationship of the proposed project to each of these elements is provided below.

Circulation Element

The proposed project would implement the Circulation Element by completing half-width improvements to Otay Mesa Road along the project frontage and Harvest Road along the property boundary from Otay Mesa Road to the northern boundary.

Conservation Element

The subject property does not exhibit any significant resources that would be targeted for preservation by the Conservation Element. In addition, the proposed project would achieve the overall goals of the Conservation Element by preserving a 15-acre parcel that consists of high quality habitat including vernal pool habitat, Diegan coastal sage scrub, and non-native grassland. The value of this parcel would be enhanced by the fact that it is located adjacent to a large habitat area that is targeted for long-term preservation. In addition, to assure the long-term preservation of this parcel, the project would install artificial burrows on the preserved site to encourage use by the burrowing owl.

Energy Element

The proposed project would not result in any unanticipated demand for energy as the EOMSP anticipates a regional shopping center on the site. Thus, the project would not conflict with the Energy Element.

Open Space Element

The proposal to preserve 15 acres of land adjacent to a planned open space would be consistent with the Open Space Element.

Noise Element

As discussed in Section 3.1.4.2, the proposed project would not represent a significant noise receptor. Nor would it have a significant noise impact on adjacent property.

Public Facility Element

As discussed in Section 3.1.2, the project would be conditioned to ensure that public services needed to serve the proposed project are available when the project is built.

Recreation Element

As a commercial use, the proposed project would not generate a demand for recreational facilities. In addition, the project would not be located in proximity to any existing or planned recreational areas. Thus, the proposed project would not conflict with the Recreation Element.

Regional Land Use Element

The existing land use designation for the project site is Specific Plan Area 21 (SPA 21). The SPA 21 designation is intended to allow more detailed land uses which are described in a Specific Plan document. The EOMSP was developed and approved by the County to further fulfill the SPA 21 requirement for the site. The proposed project would be consistent with the land use goals of the EOMSP. The underlying land use designation of EOMSP for the site is Technology Business Park. Within this designation, the EOMSP provides for a 40-acre commercial overlay. As no commercial development has occurred within the Technology Park designation, the full 40 acres is currently available. As a result, the proposal to create a regional shopping center covering 29.6 acres would be consistent with the EOMSP. Thus, the proposed project would not conflict with the Regional Land Use Element.

Seismic Safety Element

No faults cross the subject property and construction would comply with the seismic safety building and foundation requirements specified in the International Building Code. Thus, the proposed project would not conflict with the Seismic Safety Element.

<u>EOMSP</u>

As mentioned above, land use and planning are addressed in Section 4.1 of the EOMSP Final EIR. The previously certified EIR identified significant and mitigable impacts related to land use and planning due to the change from undeveloped or agricultural land uses to industrial,

commercial, and residential land uses. Below is a summary of the project's compliance with the applicable elements of the EOMSP.

Land Use Element

The goal of the Land Use Element is to promote a well-organized international district in East Otay Mesa to attract and accommodate regional forecasted demand for industrial and business development. The EOMSP designates the proposed site as Technology Business Park with a commercial overlay. The EOMSP indicates that the commercial center overlay is intended to allow "a combination of local-serving and regional-serving retailers that could create a destination commercial development." Since the proposed project is utilizing the commercial center overlay, the EOMSP commercial center standards and guidelines apply to the proposed project site. The project proposes a regional shopping center that includes both small and one "big box" retailers in the location specific by the EOMSP. Therefore the proposed project would be consistent with the EOMSP Land Use Element.

Circulation Element

The goal of the Circulation Element is to provide a multi-modal transportation system consisting of highways, streets, and transit networks adequate to serve subregional transportation needs at an acceptable level of service. The proposed project would complete roadway improvements to Harvest Road and East Otay Mesa Road and would promote the use of alternative transportation by providing bike storage facilities and preferred vanpool/carpool parking. As discussed in Section 2.1, the proposed project would lead to significant, unmitigated roadway impacts within the EOMSP related to unacceptable LOS. This is not considered a significant land use impact since once these roadways are built per the Circulation Element (refer to Section 2.1.3.3), these impacts would be resolved.

The EOMSP states that transit needs need to be addressed as a part of the application process and that the commercial area shall be limited to 40 acres due to existing circulation and road capacity issues. The EOMSP also notes that the commercial center shall have "limited direct vehicular access" to/from Otay Mesa Road. This Supplemental EIR addresses traffic concerns in Section 2.1 and the proposed project limits Otay Mesa Road driveway access to right-in, right-out.

The EOMSP indicates that the commercial center development would require coordination of a bus facility with SANDAG. The Project Applicant has already coordinated with the appropriate agencies regarding mass transit along Otay Mesa Road. It has been determined that a bus station would not be provided by this project because the Metropolitan Transit System (MTS) has no plans for a bus route along that portion of Otay Mesa Road at this time. Once the service area is established (built-out), MTS may establish a route along Otay Mesa Road or Harvest Road and MTS or the County could install a bus stop that would serve the project. However, the project has met this requirement of the EOMSP.

The proposed project would also be subject to the following Circulation Element measures that are applicable to the site and immediately surrounding roadways:

- Unobstructed, ADA-compliant, safe, four-foot sidewalks with a three-foot landscaped parkway.
- Harvest Road shall be a four-lane Industrial/Commercial Collector road.
- Along the project frontage, Otay Mesa Road shall be a six-lane Prime Arterial.
- No parking shall be allowed on Prime Arterials or four-lane Industrial/Commercial Collectors.
- Roadways designed per County Public Road Standards.

As discussed in Chapter 1.0 and Section 2.1, the proposed project complies with the above standards and also complies with the EOMSP Circulation Element.

Urban Design Element

The goal of the Urban Design Element is to promote land uses, infrastructure, buildings and landscaping, both in the public and private realms that create a distinct urban image and establish a unique sense of identity for East Otay Mesa. As discussed in Sections 3.1.4.7 through 12, the proposed project would be consistent with the urban image of the East Otay Mesa area.

The proposed project would also be subject to the following Urban Design Element measures that are applicable to the site and immediately surrounding roadways:

- Preservation of prominent natural features.
- Site planning appropriate to the landforms and land uses.
- A functional circulation system with unified landscaping. Otay Mesa Road along the project frontage is designated as a gateway road with specific landscaping requirements and setbacks. The EOMSP also indicates specific landscaping requirements for Harvest Road along the eastern perimeter of the site. Mowed turf is limited to 15 percent of the landscaped area.
- Landscaping shall have a clearance zone from utilities and include root barriers between trees and pavement.
- 2,000 square feet of usable open space shall be provided for every 10 acres of development proposed. Usable open space could be a plaza or courtyard.

The proposed project is primarily disturbed and non-native grassland habitat. No prominent natural features exist, and, therefore, no impacts to such features would occur. The relatively flat site is near major roadways, and is suitable for the proposed commercial development. The proposed landscaping would comply with the EOMSP requirements. The proposed project includes two employee break/plaza areas totaling 6,000 square feet that provides more than the required amount of usable open space. Thus, the proposed project would comply with the Urban Design Element.

Public Facilities Element

The goal of the Public Facilities Element is to provide infrastructure and public facilities to accommodate planned growth in East Otay Mesa. The Public Facilities Element notes the following:

- Only one-fourth of the needed wastewater capacity exists for the development of East Otay Mesa.
- Best Management Practices shall be included in development projects to reduce storm water drainage.
- Utility lines shall be undergrounded and other facilities shall be undergrounded or screened from view.
- If not already incorporated into the San Diego Rural Fire Protection District (SDRFPD), new developments shall be annexed into the district as a condition of approval. Developments shall be required to pay the County's Fire Mitigation Fee. There is a need to establish full-time fire and emergency medical services (EMS) in East Otay Mesa.
- Additional Sheriff facilities are needed to serve the proposed developments and ultimate buildout of East Otay Mesa.
- Recycling shall follow the County's solid waste recycling requirements.

The proposed project complies with all the requirements listed since it includes BMPs, undergrounded utilities, it is within the SDRFPD, and recycling. As noted, the development of the EOMSP would result in the need for additional wastewater, additional fire/EMS, and sheriff services. The proposed project would include wastewater conditions of approval and would pay the assessments related to the Community Facilities District for off-site wastewater infrastructure, police and fire service (refer to 3.2.5 below) as well as pay the County's Fire Mitigation Fee to fund future fire/EMS facilities. Thus, the proposed project would comply with the EOMSP Public Facilities Element.

Land Use Regulations

This portion of the EOMSP identifies specific land uses that are allowed in areas designated as technology business park (including activity node and commercial center), light industrial, heavy industrial, and conservation area. The potential uses proposed onsite include restaurants and retail, which are allowed uses according to the EOMSP land use matrix.

Development Standards

The site planning standards for the commercial center include setbacks, building height, maximum building coverage, site access, parking, grading, landscaping, and architectural standards. The proposed project would comply with all the development standards with the exception of driveway spacing. The proposed project includes obtaining driveway design modifications. Thus, the project would comply with the development standards.

Processing Requirements

To utilize the commercial center overlay, the proposed project must include a site plan and conform to the land use regulations, development standards and urban design, and other requirements of the County Zoning Ordinance Section 7150. Unless a discretionary permit is issued to implement the commercial center overlay, the site would be subject to the technology business park land use designation and associated standards. The Project Applicant is seeking a discretionary permit (Section 1.5.1) and site plan (Figure 1-5).

Zoning Ordinance

The subject property is zoned S88 (East Otay Mesa Specific Plan), with a Specific Plan designation of Technology Business Park. As discussed above, the proposed project is consistent with the land use requirements of the EOMSP. Thus, it would not conflict with the County's Zoning Ordinance.

It is concluded that the project would not conflict with land use policies of the County General Plan or Zoning Ordinance identified to mitigate a significant impact, and, therefore, land use policy impacts would be less than significant.

3.2.2.2 *Land Use Compatibility*

The proposed uses would be compatible with existing and planned uses that surround the subject property. Adjacent property to the north is presently vacant and planned for commercial or industrial use; neither the existing or planned use would be adversely affected by commercial uses included in the proposed project. Land to the east, south and west are also vacant and planned for industrial or commercial uses. Furthermore, these areas would be separated from the proposed regional retail center by major roadways. **Thus, land use compatibility impacts would be less than significant**.

3.2.3 Mineral Resources

The EOMSP EIR identifies no productive mines within the EOMSP, but identifies Santiago Peak Volcanic prospects and a deposit of limestone/dolomite. Impacts to these mineral resources are not addressed in the EOMSP EIR document.

The California Surface Mining and Reclamation Act (SMARA) of 1975 required the classification of land into Mineral Resource Zones (MRZs), according to the land's known or inferred mineral resource potential. The process was based solely on geology, without regard to existing land use or ownership. The primary goal of the classification is to ensure that the mineral potential of the land is recognized by local government decision-makers, and considered before making land use decisions that could preclude mining. The California State Mining Board (SMB) has placed lands within the western portion one-third of San Diego County into Mineral Resource Zones (MRZs) according to the land's known or inferred mineral resource potential.

There are four MRZ classifications:

MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that there is a high likelihood for their presence.

MRZ-3: Areas containing mineral deposits, the significance of which cannot be evaluated from available data. Further exploration work within these areas could result in the reclassification of specific localities into the MRZ-2 category.

MRZ-4: Areas where available information is inadequate for assignment to any other MRZ classification.

The subject property has been mapped by the SMB as MRZ-3. The majority of land mapped in the western portion of the County has been mapped as MRZ-3. Based on the Geotechnical Engineering Investigation conducted on-site, the subsurface soils consist of clays and silts, which have a very low likelihood to be a significant aggregate resource (a.k.a., construction materials). Construction materials typically consist of sands, gravels, or rock which can be crushed into sand and gravel. There is minor potential for the subsurface clays to contain bentonite. However, the site contains a mix of clays and silts, and is unlikely the site contains enough bentonite to be of economic value. Furthermore, the site is located directly adjacent to SR-125, and the area surrounding the site is developing is slowly developing with industrial and commercial uses which would be incompatible with a mining operation on the project site. **Since the project site does not appear to contain mineral resources of economic significance, and the site is located in an area with incompatible land uses to a potential on-site mining operation, the project would have a less than significant impact on mineral resources.**

3.2.4 Population and Housing

The EOMSP EIR identified no negative impacts to population and housing, but indicated that the EOMSP would provide housing coinciding with housing needs. The proposed project site is not planned for housing. Thus, development of the property would not impact the availability of housing in the area. The potential exists that jobs created by the proposed project could attract people into the Otay Mesa area. However, the area is considered to contain a sufficient population base to fill a substantial number of the jobs and is therefore not anticipated to induce population growth. **Thus, the project would have a less than significant impact on population and housing**.

3.2.5 Public Services and Utilities

The EOMSP EIR identified significant impacts related to schools, water supply, wastewater, and solid waste. The EOMSP was identified as having less than significant impacts to fire protection, emergency services, police protection, parks and recreation, library facilities, and gas and electricity.

Police Service

The following would be required of the proposed project as a condition of approval:

LAW ENFORCEMENT SERVICES: [DPLU, REG] [SHERIFF] [BP, GP, IP, UO] [DPLU, FEE].

Intent: In order to provide adequate law enforcement services in compliance with the County General Plan and the Public Facilities Element (Section 2.4.7) of the East Otay Mesa Specific Plan, a Sheriff's Substation facility shall be established.

Description of Requirement: Annex into CFD #09-01 (East Otay Mesa) to fund the formation of the CFD and the construction of both the interim Sheriff's Substation and the permanent Sheriff's Substation, including, but not limited to, the land acquisition costs associated with the permanent Substation, development costs associated with both Substations, and any land rental costs associated with the interim Substation, as described below:

a. Permanent Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned,

   (1) Acquire and dedicate to the County of San Diego, or obtain an irrevocable commitment for conveyance to the County, at no cost to the County, a parcel of land suitable in size, location and configuration for a Sheriff's Substation to satisfaction of the County of San Diego Sheriff's Department.

   (2) At such time as the Sheriff's Department determines that the Permanent Sheriff Substation is needed, obtain all required discretionary and ministerial permits for and construct or provide a permanent building of approximately 6,000 square feet and associated improvements determined to be necessary and adequate by the County of San Diego Sheriff's Department for a "turn key" Sheriff's Substation facility. The associated improvements include, but are not limited to, building and building fixtures, tenant improvements suitable for a Sheriff substation, signage, office furniture, security systems, parking, landscaping, lighting, fencing, and all utility and service connections. The associated improvements shall not include office equipment such as computers, printers, telephones, or radio equipment. Program requirements for the substation facility shall be provided by the County. Developer shall obtain County's approval of the design and specifications prior to construction of the substation facility.

b. Interim Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned, until such time as a permanent facility, satisfactory to the Sheriff's Department, is ready for occupancy, provide a

temporary site and facility (e.g., an office trailer or equivalent with appropriate fixtures and office furniture) suitable to accommodate Sheriff Department personnel, vehicles and equipment. The capital costs of this temporary facility shall be provided at no cost to the County of San Diego.

Documentation: The Project Applicant shall provide documentation to the Department of Planning and Land Use that either alone or in conjunction with other developers similarly conditioned, the Project Applicant has caused: 1) a financing mechanism to be in place and has further committed to pay the project's fair share of the financing to fund and construct a turn-key, permanent Sheriff's Substation facility, and an interim, temporary Sheriff's Substation facility; 2) a parcel of land to be acquired and dedicated to the County of San Diego as the permanent site for the required Sheriff's Substation or a parcel of land to be under contract for conveyance to the County of San Diego at no cost to the County subject only to the payment of an agreed upon purchase price by the CFD; and 3) a permanent or temporary turn-key Sheriff's Substation facility to be available for use.

Timing: Prior to occupancy or use and reliance of the premises pursuant to this Use Permit or Site Plan [or, in the case of a tentative map, prior to recordation of the Final Map], the Sheriff's Substation shall be available for use in accordance with the above requirements.

Monitoring: The DPLU and Sheriff's Department shall review the submitted documentation. If, upon review, DPLU and the Sheriff's Department determine the documentation demonstrates conformance with this condition, the DPLU and Sheriff's Department shall approve the documentation and deem the condition satisfied.

With the inclusion of this condition as a part of the project, police service impacts are considered less than significant.

As discussed below, adequate water, sewer and power would be available for the project.

Water Supply

Water service and supply for East Otay Mesa are addressed in Section 4.11.6 of the EOMSP Final EIR. East Otay Mesa is located within the southern service area or Otay Mesa System of the Otay Water District (OWD). As indicated in Project Facility Availability Form included in Appendix N, the property is in the OWD, and facilities are reasonably expected to be available with the next five years based on existing capital facilities plans of the OWD.

In the EOMSP Final EIR, OWD indicated that there is currently sufficient existing or planned water storage and transmission capacity to accommodate development in East Otay Mesa, provided that regional water supplies are met by the Water Authority and Metropolitan Water District (MWD). OWD also indicated that adequate storage and supply capacity would be available to serve the proposed project over the next 20 years (OWD 2006).

The ability of OWD to provide water to the proposed project for the next 20 years is directly linked to the ability of the San Diego County Water Authority (Water Authority) to purchase sufficient water from MWD, with MWD dependent upon the sufficiency of water deliveries from its existing water supply. The MWD existing water supply consists of deliveries from the Colorado River via the Colorado River Aqueduct, from the State Water Project (SWP) via the California Aqueduct, and from In-Basin Storage (e.g., Lake Mathews and Lake Skinner). In addition, MWD has obtained supplemental water supplies over the years to augment the three main supplies, including the Imperial Irrigation District (IID)/Water Authority Transfer, Coachella and All-American Canal Lining Projects, Los Angeles Aqueduct, surface reservoirs (most within Water Authority service area), and groundwater recharge.

It should be noted that water supply agencies in California will continue to face climatological, environmental and legal challenges. The August 2007 court ruling in the case of NRDC v. Kempthorne to restrict pumps that supply water from the Sacramento-San Joaquin River Delta to 25 million Californians, including three million residents in San Diego County, along with on-going drought conditions in the western United States, could result in near-term future water supply shortages, if the snow pack for the upcoming winter season does not yield sufficient supply. The San Diego County Water Authority has imposed short-term drought management actions and implementing a long-term planned and measured response to these recent developments and intends to update its Urban Water Management Plan to include these measures.

The amount of water delivered to OWD is based on projected demand estimates prepared by the Water Authority and MWD, which take into consideration several variables, including regional growth forecasts prepared by SANDAG and land use criteria (i.e., types of land use). Data on projected population and growth rate projections from SANDAG regional growth forecasts are used in projected demand estimates to provide for consistency between retail and wholesale agencies' water demand projections.

As stated above, OWD obtains 100 percent of its potable water supply from the Water Authority. It currently has no local supply of potable water or groundwater resources; however, it does have a Water Conservation Program and a Recycled Water Program. Integration of the water conservation measures would satisfy the requirements of Mitigation Measure 11B from the EOMSP Final EIR, which requires the integration of water conservation measures identified by OWD and the Water Authority.

Based on a water use survey conducted by OWD (PBS&J 2005), it is anticipated that the project's demand for water would vary between 700 to 1,050 gpd per acre which would result in a demand ranging between 19,950 gpd and 29,925 gpd, or approximately 33 acre-feet per year.

In order to help reduce the demand for potable water, the OWD has developed the capacity to generate recycled water by reclaiming wastewater at its Ralph W. Chapman Water Recycling Facility. This plant produces 1.1 million gallons of reclaimed water per day. OWD policy requires the use of recycled water for parks and landscaping irrigation needs and has in effect an Incremental Interruption and Conservation Program (which would be triggered by regional water shortages and other consumption-reducing circumstances). While OWD currently requires construction of separate recycled water distribution systems to serve everyday irrigation demands, recycled water is not yet available within the Otay Mesa Service Area; under such circumstances, existing recycled water systems are charged with potable water until recycled

water service becomes available. Nevertheless, use of recycled water in other portions of the OWD service area would reduce the overall demand for potable water.

In conclusion, the increase in demand on the Otay Mesa potable and recycled water systems associated with the proposed project would be less than significant.

Sewer Service

Sewer service to the subject property would be provided by the County's Wastewater Management (WWM) Section through the East Otay Mesa Sewer Maintenance District (EOMSMD), which was formed to collect fees for sewer service. It is estimated that buildout of the EOMSP will require a total sewer capacity of three million gallons per day (mgd). The County purchased rights to treat 1.0 mgd in the City's Metro System from the Spring Valley Sanitation District. This capacity was assumed to be used for the initial 400 acres of industrial development within the EOMSP, which includes the proposed project site. As indicated in the Public Service Availability Form in Appendix N, the subject property is within the EOMSD and facilities are reasonably expected to be available with the next five years based on existing capital facilities plans of the EOMSMD. However, the EOMSP does indicate that only one-fourth of the needed wastewater capacity exists for the development of the entire EOMSP.

Development within the EOMSP would tie into existing sewer lines transporting sewage through Otay Mesa to the City's Point Loma Wastewater Treatment Plan. The Metro System treats wastewater from the City of San Diego and 15 other cities and districts (i.e., participating agencies), including the County of San Diego. Therefore, the City's criteria were used for planning the sizing of the proposed project's wastewater collection system. The Metro System serves over 2.2 million people in San Diego. The Metro System's service area is 450 square miles, and it currently treats an average of 180 mgd. Planned improvements would increase wastewater treatment capacity to serve a projected population of 2.9 million individuals through Year 2050, at which time it is anticipated that approximately 340 million gallons of wastewater would be generated per day (City of San Diego 2006a, b).

Projected Wastewater Generation

Based on an estimate of 1,500 gpd/acre for technology business park and commercial development land use (PBS&J 2010), the project would generate up to 45,000 gpd of wastewater.

Projected Wastewater Capacity

As indicated earlier, the County has rights to a total of 1 mgd of treatment capacity which is sufficient to treat approximately one-quarter of the sewage generated by the EOMSP. The EOMSMD is currently in the process of exploring ways to obtain the additional capacity needed to serve the rest of the EOMSP. The primary options are expanding its rights to the Metro System, and using the Otay Mesa trunk sewer system to transport wastewater to the Point Loma Treatment Plant or constructing a wastewater treatment plant to serve EOMSP. Obtaining additional capacity to transport sewage to Point Loma is the preferred option. **Considering the planned improvements and that the County has issued a sewer availability form on November 28, 2006 that states "facilities to serve the project are reasonably expected to be**

available within the next five years based on the capitol facility plans of the [East Otay Mesa] district," the project impacts related to sewer service would be less than significant.

Sewer Condition of Approval

The following condition of approval would be included in the proposed project to ensure adequate wastewater capacity is available:

> **SEWER SERVICES: [DPLU, REG] [DPW, WW] [BP, GP, IP, UO] [DPLU, FEE].** The developer shall assure the availability of sewer services to serve the proposed development by means of one of the following methods:
>
> In the event the project precedes establishment of a Community Facilities District (CFD):
>
> Prior to the recordation of a final parcel map, the developer shall execute a covenant, provided by the City of San Diego, to participate in, and not object to, the formation of a Community Facilities District or other mechanism, to fund or reimburse the construction of the improvement phases, as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009. The developer shall secure performance of this obligation by recording the covenant with the County Recorder with a copy to the City.
>
> In the event where a CFD is already established:
>
> Prior to the recordation of a final parcel map, the developer shall annex into the Community Facilities District to fund or reimburse the construction of the improvement phases, as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009. The developer shall secure performance of this obligation by recording the annexation with the County Recorder with a copy to the City of San Diego.

Solid Waste

The previously certified EIR identified significant and mitigable direct impacts related to solid waste disposal. As discussed in the EOMSP Final EIR, the County was conducting ongoing efforts to site landfill facilities in the vicinity of East Otay Mesa in the South Bay. Although the County is no longer responsible for siting landfills, the nearby Otay Landfill was recently granted a permit to significantly increase its capacity and ability to serve customers in the South Bay, including East Otay Mesa (County of San Diego 2002d). **For these reasons, the solid waste disposal needs of future retailers associated with the proposed project would be met by the Otay Landfill, and project-related solid waste impacts would be less than significant**.

3.2.6 Recreation

As a retail use, the proposed project would not generate a demand for recreational facilities. Also, the project would not directly impact any existing or proposed recreational facilities. **Thus, the project would have a less than significant impact on recreation**.

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